

# THE LATER ROMAN EMPIRE 284-602

A SOCIAL ECONOMIC AND ADMINISTRATIVE  
SURVEY

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## CHAPTER XV

### SENATORS AND *HONORATI*

**I**DEALLY the senatorial order comprised 'the better part of the human race', or, as a Gallic orator more emphatically put it, 'the flower of the whole world'. The traditional criteria of excellence were noble birth, distinction in the public service, moral character, intellectual culture, and sufficient wealth. Symmachus' speeches and letters on behalf of candidates for the Roman senate well illustrate the conventional view. All the traditional qualifications could hardly be demanded from every aspirant to the order, and Symmachus naturally stresses the strong points of his clients. But it was evidently felt that candidates should satisfy as many as possible of the standard tests, and Symmachus feels constrained to make as good a case as he can on the weaker aspects of his clients' claims, even if this involves some evasiveness and special pleading.<sup>1</sup>

Birth came very high on the list. In one case it is almost the only plea. Valerius Fortunatus was a young man who had held no public office and was apparently in no way distinguished. He came of an impoverished senatorial family, so impoverished that his mother had renounced his rank on his behalf when he was a boy. Symmachus can stress only his birth, and, as evidence of character, 'the impulse of noble blood, which always asserts itself', whereby he had despite his poverty (which was only relative, since he was prepared to face the expenses of quaestorian games) resolved to reclaim his hereditary rank.<sup>2</sup>

Even more significant of the importance attached to birth are the evasive tactics adopted by Symmachus when recommending a low-born candidate. He thus introduces Flavius Severus. 'But of what avail is it to boast of any man's family before the noblest of the human race? Every light is overpowered by the sun's rays. Still you should remember that this is due not to diffidence but to reverence. A new colleague lays down the ornaments of his ancestors before the doors of the senate house, and enters attended only by his virtues, which by themselves can indicate that breeding

which I have foreborn to praise.' In Flavius Severus' case Symmachus dwells mainly on his distinguished public career: he had governed a province and served as judicial assessor to Theodosius the *magister militum*. But to round off his case he calls Severus 'a master of eloquence'—he was a barrister by profession—and among his moral excellencies stresses his remarkable modesty in having waited so long before aspiring to senatorial rank.<sup>3</sup>

In the case of Celsus, an Athenian philosopher who had opened a school at Rome, the main emphasis is naturally on his intellectual attainments. But Symmachus feels that it strengthens his case to recall that Celsus' father was also a distinguished philosopher. He also urges 'that we reward with the prize of rank a soul free from the vice of avarice'—Celsus, he explains, charged no fees. He is thus able to sum up his client's claims as 'birth, learning and character'.<sup>4</sup>

Synesius was the son of a senator, but his father Julianus was a new man. Symmachus pays the tribute to merit which was conventional in such cases. 'This young man's father has long been admitted to the senate, which was due to merit: hereditary rank is the gift of fortune, acquired rank that of virtue.' He is evidently not anxious to enlarge on Julian's family, and the fact that he was a senator already enables him to dodge the issue neatly: 'His other more remote ancestors were approved by you on the occasion when he was himself elected.' Synesius' case, he urges, is stronger. 'One might rightly say that Synesius brings more credit to the House than his father did, because he has the additional claim that he is the second person to be admitted from the same family: for a family tree rises higher to nobility the further it grows from new men.' Of young Synesius himself there was little to say. Symmachus chiefly emphasises the fact that being (owing to his brother's recent decease) an only son, he will inherit a fortune adequate for a senator, and that his frugal habits will conserve his wealth. 'Nature has given Synesius a good character,' he sums up, 'his father an excellent education, fortune adequate wealth.'<sup>5</sup>

The form of these speeches was no doubt dictated by the conventional pattern of the panegyric, as laid down in the rhetorical textbooks. But this conventional pattern corresponded broadly with the scale of values prevalent in Roman society. Moral rectitude was perhaps, as in all ages, more highly honoured in theory than in practice, but birth, public office, wealth and culture were in varying combinations the normal qualification for admission to the imperial aristocracy.

The senatorial order always remained the highest class in the state in dignity, but its numbers, composition and recruitment varied greatly in the three centuries which followed Diocletian's reign, and so also did its political power. Under Diocletian the senate was still a select body, probably numbering only about six hundred members. New members were regularly adlected to it by the emperors, but it was a predominantly hereditary body, strongly aristocratic in tone and comprising families which claimed very long pedigrees, sometimes reaching back to the Republic. Most senators were rich men and many senatorial families had accumulated vast fortunes. Though recruited from all parts of the empire, they gravitated to Rome and the majority were probably Italian by domicile. They owned land in every province, but the bulk of their estates was concentrated in Italy and the adjacent Western provinces.

In the second century senators had played an active part in the administration of the empire and the command of the armies, but in the middle of the third they were excluded, especially from military posts. Diocletian in his reorganisation of the empire carried this process further and by the end of his reign senators were eligible for very few posts, and these exclusively civilian and of minor importance. The senate retained great social prestige, but politically it counted for little. Diocletian could bestow no higher honour on his praetorian prefects than the ordinary consulship, which made them senators. But a senator by birth could only hope to hold some minor office, such as curator of the aqueducts, at Rome; be *corrector* of an Italian province, or Sicily or Achaëa; serve as proconsul of Africa or Asia, and finally rise to be prefect of the city.<sup>6</sup>

The minor military commands and many administrative, and especially financial, posts had from the beginning of the Principate been entrusted to men of equestrian rank. [The equestrian service had steadily expanded, and its members had come to constitute a second aristocracy, inferior in dignity to the senate, but of greater practical importance.] Membership of the equestrian order was not hereditary, but depended on office, bestowed by the emperor, and the grades of the order—the *egregii* or *sexagenarii*, the *centenarii* and the *ducenarii*, who earned salaries of 60,000, 100,000 and 200,000 sesterces, the *perfectissimi*, who earned 300,000, and the *eminentissimi*, the praetorian prefects—were likewise determined by office. Diocletian's reorganisation of the empire not only enhanced the importance of the equestrian order at the expense of the senate,

but greatly increased its numbers, particularly in the higher grades. Not only were there twice as many provincial governors, now almost all *perfectissimi*, but at diocesan level there were vicars, *rationales* and *magistri*, who held the same rank, as well as the new military commanders, the *duces*. An increasing number of the higher posts in the civil service were also upgraded to equestrian rank. The order comprised not only actual officers: past holders of offices retained their rank and privileges for life. Honorary rank was also conferred apart from office, or in the form of a fictive past tenure of an office.<sup>7</sup>

Constantine created in the imperial 'companions' or *comites* a third order of nobility which overlapped the other two. For the *comitiva* was bestowed on senators and men of equestrian rank as well as on those who were members of neither order. The *comitiva* might be an office or an honour. It might carry specific duties; there were *comites intra consistorium* who served on the imperial council, *comites provinciarum* who supervised the civil administration of dioceses, and *comites rei militaris* who commanded groups of the field army. But the *comitiva* might also be conferred as an additional honour on the holder of an existing office; it was regularly so conferred on the principal ministers of the *comitatus*. A *comes* held his office during the emperor's pleasure, but retained a privileged status for life. The order of *comites* was, like the equestrian, swelled by honorary grants of the rank of former *comes* (*ex comitibus*).<sup>8</sup>

Both the equestrian order and the *comitiva* became grossly inflated during the first half of the fourth century. The main cause of the increase was, it would seem, the lavish grant of honorary rank to decurions who wished thereby to evade their curial duties; many laws prohibit such grants, but they were nevertheless frequently obtained by corrupt means. At the same time equestrian rank came to be given as a reward for good service to persons of increasingly lowly rank. In 362 *numerarii* of provincial governors were accorded the highest equestrian grade, the *perfectissimate*, after five years' blameless service, and in 365 *actuarii* of regiments were similarly rewarded. The natural result was that the prestige of the equestrian order sank. The lowest grade, the *egregiatus*, is last recorded in 324; the overcrowded *perfectissimate* had to be divided into three classes.<sup>9</sup>

While, to judge by the series of laws denouncing illicit grants of honorary rank, it was the equestrian order and the *comitiva* which expanded most rapidly down to the third quarter of the fourth century, the senate also began to grow during this period. It was Constantine who began the process. Not only was he more

lavish in grants of senatorial rank but he employed senators more freely in the administration of the empire. He and his sons appointed senators to posts hitherto reserved for members of the equestrian order; we find senators serving as *praesides* of provinces, as vicars and as praetorian prefects. They also increased the number of posts reserved for senators, in particular by converting the governors of many provinces from *praesides* (normally an equestrian post carrying the rank of *perfectissimus*) to *consulares* (who must be *clarissimi*). These changes had the effect of bringing more senators into the imperial service; but they also provided the means of creating more senators, for an outsider appointed a *consularis* thereby became a senator, and it became normal to confer senatorial rank on all holders of such offices as the vicariate, which senators customarily held. The military offices, to which senators did not aspire or from which they were excluded, lagged behind. Under Constantius II *duces* were still all *perfectissimi*, and it was not until the reign of Valentinian and Valens that they began to be granted the *clarissime* on promotion.<sup>10</sup>

By the end of the fourth century the senatorial order had undergone a vast expansion, more particularly in the East, where Constantius II founded a second senate of Constantinople to rival that of Rome, then under his younger brother's rule. The Constantinopolitan senate began as a small and select body: in 357 according to Themistius it numbered scarcely 300 members. Within thirty years it had swelled to 2,000. This prodigious rate of increase was partly the result of emulation; the senate of the New Rome had to catch up with that of old Rome. But it implies that at Rome too numbers must have risen, no doubt more gradually, to a comparable figure. The increase was due to a number of causes. As more and more offices came to carry senatorial rank, the appointment of outsiders to these posts steadily created more senators, and as the normal tenure of offices was short, the annual intake of new members by the order was large. An increasing number of the higher palatine officials were accorded senatorial rank either during service or on retirement. But the main increase came from honorary grants. As senatorial rank became cheapened it was bestowed more liberally; under Valens decurions could lawfully achieve it by holding the high-priesthood of their province. Other wealthy men naturally aspired to the same rank, and many of them by influence or corruption obtained it. The influx of decurions into the senate became from the last years of Constantius II a serious problem.<sup>11</sup>

The expansion of the senate completed the degradation of the other *honorati*. The equestrian order faded into insignificance.

Even the lowest grade of provincial governor, the *praesides*, had by the early years of the fifth century, if not before, become *clarissimi*, and the tribunes of regiments attained the same rank. The equestrian grades of honour were preserved only for senior civil servants in some palatine ministries. In these circumstances the pressure of applicants for honorary equestrian rank was relaxed; after 358 there are no more laws denouncing decurions who have secured the perfectissimate by corrupt means. The *comitiva* also lost most of its importance. The rank of *comes primi ordinis* still had some value. Bestowed on the holders of various offices, it enhanced their precedence within the senatorial order and, if granted to outsiders, it carried with it senatorial rank. The third class of the *comitiva* was still conferred, but on persons of very humble degree, decurions who had completed their obligations to their cities, and the patrons of the guilds of bakers and butchers at Rome. From the beginning of the fifth century, if not earlier, the enlarged senatorial order was the sole aristocracy of the empire.<sup>12</sup>

As senatorial rank was more widely diffused it was inevitably cheapened and the once proud title of *clarissimus* ceased to carry much distinction. Grades were formed within the order, and the higher grades acquired new and grander titles. The new senatorial hierarchy, whose basic structure was laid down by Valentinian I, was in the main determined by the tenure, actual or honorary, of imperial offices. There were some exceptions to this principle. The ordinary consulate was still the highest honour that could be conferred on a subject, and former consuls took precedence of all other senators. They were followed by patricians, an ancient title revived by Constantine, no longer as a hereditary but as a personal distinction. At the bottom end of the scale there were still senators by birth, who ranked as *clarissimi* although they held no imperial office, and newcomers to the order could still be admitted by codicils of the clarissimate. Otherwise rank was determined by office.<sup>13</sup>

The highest class of senators, after consuls and patricians, was formed by those who had held the praetorian or urban prefecture or the mastership of the soldiers; to this group were later (in 422) added former *praepositi sacri cubiculi*. Next came the principal palatine ministers—quaestors, masters of the offices, *comites* of the *largitiones* and *res privata* and of the *domestici*. All these were accorded, at first by courtesy, before the end of the fourth century officially, the title of *illustris*. Next followed two groups which acquired the title of *spectabilis*. They consisted of proconsuls and of vicars, with whom were equated the military officers of the second grade, the *comites rei militaris* and *duces*, various lesser palatine ministers, such as the *magistri scriniorum*, and the second

and third eunuchs of the bedchamber, the *primicerius* and the *castrensis*. The rest, including consulars of provinces, and later *praesides* and tribunes of regiments, remained mere *clarissimi*.<sup>14</sup>

The new hierarchy effectively transformed the aristocracy from one of birth into one of office. [Membership of the senatorial order was, it is true, still hereditary: a senator's son was a senator by right.] But he was a mere *clarissimus*, even though his father was an *illustris*. The higher grades of the order could only be achieved by tenure of the appropriate offices, or by imperial grant of equivalent status.<sup>15</sup>

During the first half of the fifth century the distinction between the three grades became more marked. *Illustres* were accorded higher privileges, fiscal and jurisdictional: those of *spectabiles* and *clarissimi* were whittled away. Effective membership of the senate was more and more confined to *illustres*. The lower grades were allowed, encouraged, and indeed, if of curial descent, compelled to reside in their home towns in the provinces. Marcian by excusing provincial *spectabiles* and *clarissimi* from the praetorship cut their last effective link with the senate. The *illustres* thus came to form an inner aristocracy, and by Justinian's reign not only active membership of the senate, but the title of senator, was reserved to them. The exact date of the change is uncertain. It must have taken place after 450, up to which year *spectabiles* and *clarissimi* were still liable to the praetorship, and before 530, when the Digest was published. It is unlikely to have been made under Justin or Justinian, or Procopius would have denounced it in the Secret History. It appears moreover from Cassiodorus' *Variae* that the same change had taken place in the Ostrogothic kingdom, and that at Rome also only *illustres* were members of the senate. The new rule might have been introduced into the West by Theoderic or perhaps by Anthemius and would therefore date from Zeno's reign at latest, and perhaps from that of Leo.<sup>16</sup>

The senate had thus by the sixth century become a relatively small and select body once more, but unlike the senate of the early fourth century it was no longer in law a hereditary body: membership depended on imperial nomination to an illustrious office, active or honorary. *Spectabilis* and *clarissimus* became mere titles of honour, carrying rather restricted privileges: the *clarissimate* was still hereditary, the sons of all three classes being entitled to it. The legal change seems to have had little practical effect. Illustrious fathers naturally petitioned the emperor to give the same rank to their sons, and the emperor was gracious to youths of illustrious parentage. We have a striking example of the hereditary transmission of illustrious rank in the story of a family recounted in one

of Justinian's Novels. When Hierius, *vir gloriosus* (that is, *illustris* of the upper grade), made his will, his eldest son Constantine was only *vir clarissimus*. When later he added a codicil, Constantine was *vir gloriosus* and had a son, a little boy named Hierius, who was only *vir clarissimus*. The second Hierius died a *vir gloriosus*, and so did his son Constantine: so also did another son of the first Hierius, Alexander. The senate of Justinian continued in practice to be a mixed body, formed partly of hereditary members, partly of new men promoted by the emperor.<sup>17</sup>

Admission to the equestrian order was effected by imperial codicil or letter, which might take one of three forms. It might grant an office, such as that of *praeses* or *rationalis*, which carried equestrian rank: or it might confer fictive past tenure of such an office, entitling the recipient to call himself *ex praesidibus* or *ex rationalibus*: or thirdly it might bestow the bare title of an equestrian grade, *perfectissimus*, *ducenarius*, *centenarius* or *egregius*. Admission to the *comitiva* was similarly effected by codicil or letter, which either conferred the actual post of *comes* of the first, second or third class, or gave the recipient the status *ex comitibus*. The rank thus conferred, with its attendant privileges, was for life, and was not legally hereditary, though fathers of equestrian status naturally endeavoured to secure like status for their sons, and the emperors tended to be indulgent to such claims.<sup>18</sup>

Admission to the senate was a more complicated matter, for the senate was an ancient corporation, and jealously preserved its traditions. A senator's son—or after 364 a son born to a man already a senator—had a right to seek admission. He was *clarissimus* from birth, and was registered forthwith in the records of the urban prefecture. Symmachus, making the annual return of senators to the emperor, speaks of the list as including 'those whom recent birth has added to your senate'. But this is only a manner of speaking. Young *clarissimi* were not members of the House from birth, but were formally enrolled, according to the ancient rule of the Principate, by election to the quaestorship. A senator's son was apparently obliged to take up his rank unless he—or his parents—obtained imperial permission to renounce it. Valerius Fortunatus' widowed mother, fearing the expenses of the quaestorship, petitioned the emperor on his behalf for leave to renounce his hereditary rank. Later Fortunatus, claimed as a decurion by his native city of Emerita, thought better of it, petitioned for the restoration of his birthright, and offered himself for the quaestorship.<sup>19</sup>



The procedure for the admission of an outsider is briefly outlined by Libanius in his speech (or rather pamphlet) on behalf of his friend Thalassius, who had sought a seat in the senate of Constantinople. 'Thalassius', he writes, 'followed the law on the matter; in accordance with which he obtained a document from your hand (that is the emperor, whom Libanius is ostensibly addressing), and sent it to the senate, to receive what was required of it.' Allusions in the Theodosian Code and Symmachus' letters and speeches enable us to amplify this rather cryptic statement. The first step was to obtain from the emperor *codicilli clarissimatus*. The candidate then lodged (*allegare* is the technical term) this document with the prefect of the city, as president of the senate. He next had to find a number of senators to swear, as *iuratores*, to his suitability, and others to speak on his behalf. Finally a vote was taken.<sup>20</sup>

The affidavits and speeches (of which a few, delivered by Symmachus, are partially preserved) and the election were doubtless in most cases a formality. If the candidate was known to have the backing of the emperor or of a great man the senate had to accept him. But the election was not always a foregone conclusion. Symmachus' great friends at court, Longinianus, *comes sacrarum largitionum*, and Hilarius, praetorian prefect of Italy, thought it worth while to write and request his support for their protégés. Symmachus replied to the former that owing to illness he was unable to do anything himself, but that his friends were successful in putting the matter through, as the minutes of the senate (which he encloses) will make plain. He assures the latter that his client's election will go through swimmingly. We know of one candidate who was rejected. Libanius' friend Thalassius was blackballed as a vulgar manufacturer by the senate of Constantinople—a body whose members were not, as Libanius was not slow to point out, blue-blooded aristocrats themselves.<sup>21</sup>

A candidature for the senate might thus be based on an imperial codicil which simply conferred the clarissimate. It might also be based on the grant of a *dignitas*, such as the office of *consularis* or proconsul, which was reserved for senators. A law of 383 lays down that a man appointed *consularis* may not take up his post until he has acknowledged the senatorial rank he has thus acquired, and made the requisite declarations of his domicile and property. It furthermore became customary to associate a codicil of the clarissimate with other offices which were not by constitutional rule senatorial. The vicariate was, it would appear from a law of 359, already a normal title to senatorial rank. The office of *dux* became so later: Ammianus tells us that under Constantius II 'no *dux*

was promoted with the *clarissime*, implying that when he was writing they normally were. Not only actual but honorary or titular offices gave a claim to a seat in the senate. Such titular offices were regularly given to those senior palatine civil servants who received senatorial rank, the object being to give them higher precedence in the order. They were naturally also sought after by other aspirants to the senate, and for the same reason.<sup>22</sup>

When membership of the senate was limited to *illustres* applications for membership must have been based on codicils of illustrious office, actual or honorary. Even at this date it seems that formal election by the senate was required before the holder of a codicil became a senator. Among Cassiodorus' *Variae* are *formulae* not only for the grant of titular illustrious offices, but for a letter to the senate, introducing a candidate and requesting his admission to the House; and in announcing to the senate the appointment of an illustrious officer the Gothic kings sometimes add a request that the House receive him into their number.<sup>23</sup>

Precedence within the senate had under the Principate been regulated by the tenure of the ancient Republican magistracies, which were held in a fixed order and at fixed intervals. These magistracies had for centuries been empty forms when Diocletian came to the throne, but some at any rate survived to Justinian's day. Since they were so unimportant, they have left little trace in the laws, except in so far as they were connected with the production of games, and it is only from casual references that their survival can be traced. The quaestorship is regularly recorded at Rome down to the early fifth century: there is no mention of it at Constantinople, perhaps because there it did not as at Rome involve games. The curule and plebeian aediles are recorded only in a poem of Ausonius on the festivals of Rome. The tribunate of the plebs is also only mentioned once, in 371, and curiously enough at Constantinople. This is a warning against too lightly assuming that lack of evidence is proof of the disappearance of an ancient magistracy. The praetorship, because of the praetorian games, is frequently mentioned at both Rome and Constantinople; in both capitals it survived into the sixth century, as Boethius and John Lydus testify. The suffect consulship is last mentioned in the laws in Constantine's time, when it still had games attached to it. But Symmachus happens to mention that in 401 a suffect consul was thrown from his chariot in a procession.<sup>24</sup>

Only one ancient Republican office retained its glamour untarnished, the ordinary consulate, whose holders entered upon office on the Kalends of January and gave their names to the year. Thus to achieve immortality was the highest ambition of the

noblest aristocrats and of ambitious parvenus, and as there were only two consuls each year and the emperors and members of their families often assumed the office, it was few who achieved it. The honour was accorded to the more distinguished praetorian prefects and *magistri militum*—whence the *fasti* were adorned with uncouth names such as Dagalaifus or Areobindus—and occasionally to *magistri officiorum* who attained exceptional influence—Rufinus, Helion and Nomus. It was sometimes, but rarely, granted to imperial favourites who held no office, such as Datianus, once only to a chief eunuch, Eutropius. Quite commonly it was given to the great aristocrats who regarded it as their birthright, in the West to members of the ancient noble families, in the East to the new nobility which grew up in the fourth century.

At periods when the empire was divided one consul was normally nominated by the Augustus who held Rome, and the other by the Eastern emperor: the latter entered upon office at Constantinople. But the names of both were used for dating documents throughout the empire, except in periods of friction or civil war when one emperor refused to acknowledge his colleague's (or a usurper's) nominee. When in 476 there finally ceased to be an emperor in the West Odoacer and Theoderic continued to nominate consuls, who were generally received in the East. But after the reconquest of Italy Justinian ceased to nominate Western consuls, and the last consul to hold office in Rome was Paulinus, whom Queen Amalasuntha appointed in 534. The office did not long survive in Constantinople. Not enough men of sufficient wealth and public spirit could be found to pay for the expensive games which tradition demanded from an ordinary consul. Belisarius held the office in 535 and after a two years' gap John the Cappadocian in 538, followed by Flavius Apion in 539, Flavius Justinus in 540 and Flavius Anicius Faustus Albinus Basilius in 541. He proved to be the last subject to hold the consulate. Thereafter it was assumed only by emperors on the Kalends of January next after their accession.<sup>25</sup>

The ordinary consulate was in the fifth century cheapened by the grant of honorary consulates. These by a law of Zeno could be obtained by the payment of a mere *centenarium* of gold to the aqueduct fund of Constantinople—a payment which ordinary consuls had since 452 had to make in addition to their games. Though honorary *consulares* apparently ranked below former ordinary consuls, the innovation was an unwise vulgarisation of the supreme magistracy, and probably hastened its decline.<sup>26</sup>

The other ancient magistracies had not only lost all importance. They had by the fourth century ceased even to be useful as marks of

seniority. A law of Constantine shows that not only quaestors but praetors and even suffect consuls might be nominated under the age of sixteen, and the natural result from this followed, that most if not all adult senators were *consulares*, once the most senior class. The new order of precedence worked out by Valentinian I was, as we have seen, mainly based on imperial offices. It was immensely complicated and became progressively more so.<sup>27</sup>

The uppermost bracket of ordinary consuls and patricians was small, for consuls—at least until the creation of the honorary consulate—were few and the patriciate was during the fourth and early fifth centuries very sparingly bestowed; even under Zeno the recipients had to be former consuls or urban or praetorian prefects. But competition for precedence was no doubt all the keener. In principle ex-consuls ranked highest according to the date of their office. But a consul who was also an ex-prefect or *magister militum* or a patrician had precedence over a consul of earlier date who had not these additional claims. A difficult point arose when a senior ex-consul who ranked below a junior ex-consul and patrician received the patriciate: it was decided that the question should be decided by the seniority of the consulates. And what if a man became consul twice, as did very rarely happen? Here the rule differed in East and West. According to a law of Theodosius II, a second consulate merely re-affirmed and did not enhance the dignity of the recipient, but a novel of Valentinian III, issued significantly in 443, the second consulate of Petronius Maximus, declared that a double consulate gave its holder precedence over all other consuls.<sup>28</sup>

Lower down the scale a disturbing factor was the *comitiva primi ordinis*, which might be granted by itself, or might be bestowed on the holder of another office. A law of 413 dealt comprehensively with this tangled problem. A few examples will suffice to indicate the intricacies of this law. Provincial governors, *archiatri sacri palatii*, and assessors of illustrious magistrates, if they received the *comitiva primi ordinis*, ranked with vicars, but architects rewarded with the *comitiva* for their public services were equated only with *consulares*. Vicars of the *magistri militum* and *comites rei militaris* (except those of Egypt and Pontica) ranked as the *duces*. Tribunes of the *scholae*, who normally ranked on retirement with former *duces*, if they had concurrently held the *comitiva* were equated with former *comites* of Egypt or Pontus.<sup>29</sup>

An even more intractable problem was presented by honorary offices. It was a basic principle that within any group of offices of equal rank individual precedence was determined by seniority of appointment, but that all past holders of actual offices ranked above all those who held honorary codicils. Thus in the highest group a

*magister militum* appointed in, say, 385, ranked below a praetorian prefect appointed in 383, but above an honorary urban prefect who had received his codicil in 380. Disputes arose when holders of actual offices in a lower grade obtained honorary codicils in a higher. A law of 383, which grapples with this problem, cites cases of vicars who had obtained honorary codicils of prefects, or, more shocking still, mere *praesides* who had secured the honorary rank of ex-vicars, ex-proconsuls or even ex-prefects. The former are told that they are to rank only among actual ex-proconsuls, with precedence over honorary ex-proconsuls. The latter are to give precedence even to ex-consulars who have really governed a province.<sup>30</sup>

A further complication was caused by the practice, which grew up in the fifth century, of granting honorary offices which ranked as if they were actual (*inter agentes*), and whose holders were styled titular (*vacantes*), as opposed to merely honorary (*honorarii*). As a result Theodosius II had to draw up a yet more elaborate table of precedence among *illustres*. First came those who had actually held illustrious offices; second those who had received, while present at court, a titular office; third those upon whom a titular office had been conferred in absence; fourth those who had received personally from the emperor honorary codicils; and fifth those to whom honorary codicils had been sent in absence. All members of the first group, even those who had held the lowest illustrious office of *comes rei privatae*, ranked above all of the other four groups. But within the last four groups regard was had to the rank of the titular or honorary office held, so that an honorary ex-prefect took precedence over a titular ex-quaestor. Finally a special exception was made for titular officers who had been entrusted with some extraordinary commission. Thus Germanus, a *magister militum vacans*, had been one of the commanders of the expedition against the Vandals in 441, and Pentadius, a *praefectus praetorio vacans*, had organised its commissariat. In such circumstances the titular office ranked as active.<sup>31</sup>

Members of the senatorial order possessed certain fiscal and jurisdictional privileges. Constantius II granted all senators immunity from extraordinary levies and *sordida munera*. This privilege was curtailed by Gratian, who in 382 declared that all must pay *extraordinaria* and that only the holders of the highest offices (down to the *comites consistoriani*) should be immune from *sordida munera*; this rule was extended to the Eastern parts by

Theodosius I in 390. In 409 *illustres* were accorded immunity not only from *sordida munera* but also from *extraordinaria*. Senators could also in the early fourth century, in virtue of their theoretical domicile at Rome, claim the jurisdiction of the prefect of the city, whether they were sued civilly or accused on capital charges. This privilege was likewise whittled away in the course of time as far as humbler senators were concerned, but maintained for the benefit of *illustres*.<sup>32</sup>

But the most important privilege of the aristocracy was exemption from curial burdens. Members of the equestrian order and *comites* enjoyed immunity as being absent on the public service. Immunity had under the Principate been granted under this head only for the actual period of public service, but by Diocletian's time it had been extended to all who held equestrian rank. Constantine and his sons, alarmed by the flood of decurions who obtained codicils with a view to evading their curial obligations, endeavoured to restrict the privilege to those who had actually held offices, or had honestly earned honorary codicils, and to insist that decurions must have performed their duties to their cities before seeking equestrian posts or the *comitiva*. It is doubtful whether they had much success, but the problem solved itself when decurions transferred their ambitions to the superior attractions of the senatorial order.

Senators enjoyed exemption from curial duties on the ground that they were citizens of Rome (or Constantinople), and as such ceased to belong to their native cities. When decurions began to enter the order in significant numbers, the imperial government again became alarmed, and with reason, for since senatorial rank was hereditary, not only did decurions secure immunity for themselves, but their families became exempt for ever. At first attempts were made to prevent decurions from entering the senate, but as these proved unavailing the immunity was in 390 abolished for senators of curial origin. This rule was relaxed in 397 in favour of *illustres*. In 436 it was tightened up again so that in future only those decurions who obtained illustrious rank by office gained immunity. Zeno confined the privilege to those who gained the higher group of illustrious offices, and this remained the rule under Justinian. Under all these laws the immunity once gained was transmitted to sons born after its acquisition.<sup>33</sup>

As against these privileges and immunities the aristocracy was subject to certain special obligations and financial charges. The former were not very onerous. All *honorati*, including senators, except those of the highest rank, were obliged to attend the assemblies of their province or diocese. Senators were technically

obliged to attend meetings of the senate, and had to obtain leave of absence (*commeatus*) to visit the provinces. Standing leave to reside in the provinces was in fact regularly accorded, but a formal grant of *commeatus* was required until Theodosius II released all *spectabiles* and *clarissimi* from this technicality: *illustres* still had to obtain permission to leave the capital.<sup>34</sup>

*Honorati* might also be charged with special administrative duties: senators were exempted from this obligation, which fell only on *honorati* of equestrian rank or *comites*. Valentinian and Valens tried to make use of men of this category as collectors of the clothing levy and managers of the posting stations. This attempt was soon abandoned, but tasks of a more honourable kind, the audit of accounts (*discussiones*) and the revision of the census (*peraequationes*), were commonly imposed on *honorati*. Such posts were remunerated and might in dishonest hands yield considerable profits, but they were onerous and responsible, and were evidently regarded by most as a disagreeable imposition.<sup>35</sup>

Nor were the financial charges a very serious matter for men of the class concerned. From Constantine's time occasional levies of horses or recruits were made on all *honorati*: they are last recorded in the middle of the fifth century. Senators had to contribute to the gift of gold (*aurum oblativum*) which the House was expected to make to the emperors on their accession and successive quinquennial celebrations. They also from the time of Constantine until that of Marcian paid a small regular surtax, the *gleba* or *follis*, on their lands: for this purpose a newly enrolled senator had to make a full return of his property to the office of the urban prefecture, and all subsequent additions to it had to be reported.<sup>36</sup>

A more serious burden on senators was the production of games at Rome and Constantinople. Under Constantine quaestors, praetors and suffect consuls all gave games at Rome; the last later ceased to do so, and by the end of the fourth century the poorest senators might be let off with one show only, the quaestorian, which were the cheapest. In Constantinople praetorian games were instituted by Constantius II; no others are recorded. Senators might spend as much as they liked on their games, and at Rome members of great families, who had a tradition of munificence and ample fortunes to indulge their tastes, sometimes squandered fabulous sums on them. Symmachus is said to have spent 2000 lb. gold on his son's praetorian games, and Petronius Maximus, one of the richest men in the empire, double that sum on his own.<sup>37</sup>

The ostentation of the old families set a high standard of expenditure at Rome, a standard which was continually forced up by their mutual emulation. In the interest of lesser senators the

emperors from time to time endeavoured to curb extravagance. Symmachus in his official capacity as prefect of the city thanked the emperor for such a measure. 'When vile ostentation had overburdened senatorial duties with heavy expenses, you have restored the old sanity to our manners and expenditure, so that neither will a meagre display of games bring discredit on colleagues whose means are not sufficient, nor will ill-considered profusion plunge into ruin those who through shame attempt what is beyond their strength.'<sup>38</sup>

It was of course possible, though not popular, for a senator to fulfil his obligations for a much more modest sum than Symmachus or Petronius spent. Provincial senators could send a sum of money to Rome and have their games celebrated by the *censuales*, the officials who maintained the register of the senate and the records of the property of senators: a law of 372 even mentions a scheme whereby two or three poor senators might share expenses. Symmachus alludes with contempt to the 'mediocrity' of such performances, and evidently regarded the absentees who refused to face the music as mean-spirited. By contrast he praises a praetor who had had the courage to give modest games in person. 'Let those who shirk their celebrations,' he writes, 'hear with what a moderate expenditure Aedesius, a praetor of last year, presented the urban games, and learn from his example what honour and consideration is accorded to magistrates who are present in person.'<sup>39</sup>

It is unfortunately impossible to put any figure on the cost of a moderate show. Constantine imposed on quaestors, praetors and consuls who failed to present themselves for their games a fine of 50,000 *modii* of wheat, to be delivered to the granaries of Rome; which would have cost the delinquent something like 2000 solidi. The same penalty was re-enacted in 354 and 365. It does not, however, follow that games cost less than this. The penalty was for contumacious absence (without imperial permission), and there is no evidence that those who paid it were released from the expenses of their games.<sup>40</sup>

At Constantinople the situation was very different. There was no tradition here, and no ancient and wealthy families to set the pace. Constantius II and his successors accordingly had to enact the amounts which the praetors had to spend. Constantius in 340 laid down a scale of 50, 40 and 30 lb. silver, plus 25,000, 20,000 and 15,000 *folles* for the three praetorships which he then instituted. As the value of the *folles* at this date is unknown, the exact cost cannot be calculated, but later figures suggest that it was modest. In 361 two of the five praetors who then existed were relieved



of games, and ordered instead to contribute 1000 and 500 lb. silver respectively to the public works of the capital. In 384 the praetorships, which had been reduced to four, were doubled in number. The first pair were ordered to spend 1000 lb. of silver between them, the second and third pairs 450 lb. and the fourth pair 250 lb. Later in his reign Theodosius suspended all theatrical games and made the praetors contribute to his aqueduct instead, but in 396 Arcadius assigned three to theatrical displays, two to celebrate his own birthday, the third that of Honorius. A few years later it was ruled that praetors of the first class should not be compelled to spend more than 300 lb. silver on their games, and that those of the second and third classes should pay 150 and 100 lb. One praetor had recently been allowed to spend as much as 500 lb. silver on theatrical and circus games, but this extravagance was apparently now suppressed.<sup>41</sup>

These sums cannot be called extravagant in relation to senatorial incomes. The highest, 1000 lb. silver, is equivalent to 5000 solidi, and in the last two decades of the fourth century the maximum was scaled down to 2500 and then to 1500 solidi. The minimum expenditure was only 500 solidi. Though the Constantinopolitan senate was by no means so wealthy a body as the Roman, it is hard to believe that payments on this scale could have been a serious strain on the resources of the richer members.

The most magnificent games were naturally those given by the ordinary consuls. They were permitted certain extravagancies which by a law of 384 were forbidden to lower magistrates. They might send out invitation cards in the form of ivory diptychs—which are treasured in many museums today; others had to be content with diptychs of baser material. They might scatter gold coins to the crowd, while others might throw only silver, and small coins only, not larger than sixty to the pound. Marcian abolished this custom, and instead made the consuls contribute 100 lb. gold to the aqueduct fund, but Justinian permitted the scattering of small silver coins. Justinian describes the somewhat reduced programmes of entertainments which the consuls gave at Constantinople in his day. He was to give only seven shows. The nature of the first and the last, when he received and laid down his insignia of office, are not specified and were perhaps merely processions. The second and the sixth were *mappae* or chariot races, the third a wild beast hunt in the theatre (*κυνήγιον*), the fourth a show of prizefighters (*παγκράτιον*) with more fighting with beasts, the fifth a theatrical show with clowns, singers and dancers, vulgarly known as 'the tarts' (*πορναί*). The programme according to Procopius cost 2000 lb. gold.<sup>42</sup>

The magistrates who gave the games (apart from the ordinary consuls) were elected by the senate. They had to be nominated ten years in advance in order to give them ample time to accumulate the requisite funds. This rule is mentioned at Constantinople in 361 and at Rome in 372. Later so long notice was apparently found unnecessary at Constantinople. A law of 408 speaks of three years as the waiting period fixed by the existing law, and declares that even this regulation had fallen into desuetude as being needless. It enacts that delay shall be allowed in future only to necessitous cases, and that the senate shall have discretion to vary it from two years up to five according to the candidate's financial circumstances.<sup>43</sup>

We have no detailed information on the procedure of election at Rome. At Constantinople Constantius II laid down elaborate rules. In 356 he enacted that a quorum of 50 members was required at the election meeting, which was to be held on his birthday, and if necessary be adjourned to the next day or even longer. Three years later he ruled that only those who had themselves already given games should designate the praetors. In 361 he ordered that there must be present at the election ten of the highest ranking senators, former ordinary consuls or prefects or proconsuls, and the distinguished philosopher Themistius, as well as those who had already held the praetorship.<sup>44</sup>

Election meant in effect nominating the requisite number of persons. Some willing candidates were certainly forthcoming at Rome, where the great families felt it a matter of *noblesse oblige* to offer games, but even here it was necessary to nominate persons against their will, or in their absence and without their knowledge. In Constantinople the newly formed aristocracy, which had no traditions to maintain, was reluctant to shoulder the burden. Constantius II had to lecture his senators about their lack of public spirit. 'You surely remember, conscript fathers, and never will it be forgotten, that the ex-proconsul Facundus and the ex-vicar Arsenius wore the splendid insignia of praetors, and neither of them thought that the praetorship was beneath their dignity. What more illustrious example can be found than these? This fact ought surely to have persuaded others invested with the offices of proconsul and vicar that the praetorship is not below their merits. The splendid rods of office should be an object of ambition, the glory of such a title should be coveted and no one ought to resist nomination.'<sup>45</sup>

Candidates nominated in absence were difficult to bring up to scratch. At Constantinople five months were allowed to the officials of the prefecture to serve notice of nomination on them

and another seven months for their objections to be heard. At Rome candidates apparently evaded the officials for years. Valentinian I wrote ironically to the urban prefect, who had apparently complained of this difficulty: 'Let us suppose it possible that those designated can elude the diligence of those who search for them in the first or the second or the third year: surely they can be found in the remaining seven.' And when at length they had accepted their nomination, too often they failed to present themselves in the appointed year. In 354 Constantius II had to issue orders to the praetorian prefect of Italy to round up all senators who were due to give games, and compel them to come to Rome. Forty years later Symmachus gently rebuked a proconsul of Africa for his lack of firmness in dealing with senators resident in his province. 'It is a serious thing that when a man of noble family holds supreme authority in Africa some of our colleagues evade their duties at Rome, and that a year almost barren of games should bring the proconsular office into odium.'<sup>46</sup>

In these circumstances it is not surprising that the senate found the elections an invidious and embarrassing business. The nomination of praetors at Constantinople was eventually in 393 left to the *censuales*, who, since they knew the names and addresses of all senators and their property assessments, must always have played a large part in drawing up the list of candidates. The senate had already been rebuked in 361 for allowing them to make the nominations.<sup>47</sup>

Exemption from the praetorship could be granted by the emperor by *adlectio*. The term is a survival from the Principate, when the emperor could not only grant the *latus clavus* (corresponding to the later *codicilli clarissimatus*), which authorised the recipient to stand for the quaestorship, but also adlect a man direct into the senate with appropriate seniority, to rank with ex-praetors (*inter praetorios*) or with ex-consuls (*inter consulares*). When these grades had ceased to have any significance, *adlectio*, or the grant of *codicilli praetorii* or *consulares*, survived as a device for enrolling a senator among those who had performed their praetorian games. The privilege was regularly granted to palatine civil servants on their attaining senatorial rank but to very few others. In 367 *adlectio* was accorded to certain *comites* and *tribuni*. In 396 exemption from the praetorship was granted to *duces* who had won their promotion by long service, or were members of the consistory. In 439 senators of curial origin, who complained that they could not simultaneously fulfil their obligations to the senate and to their own cities, were excused the praetorship.<sup>48</sup>

The laws imply that all senators not specifically exempted had

to take their turn. This cannot in fact have been necessary. At Constantinople at the end of the fourth century, with only eight praetorships to fill each year and two thousand senators on the roll, only about one in ten can have been called upon to serve. If the selection had been made fairly it should not have been difficult to find enough candidates to whom the relatively modest expense would have been a negligible item. Evidently, however, wealthy senators resident at the capital found means of evading the office, and it was imposed on provincial members of modest means, who found it a vexatious imposition. Theodoret wrote to his grand friends at Constantinople on behalf of two victims. Euthalius was an elderly retired *memoralis* who had taken holy orders: his nomination must have been an official blunder, since members of the *sacra scrinia* were legally exempt. Theocles could claim no legal immunity, but had, according to Theodoret, inherited only one farm, which gave him a bare livelihood.<sup>49</sup>

It was no doubt because of such hard cases that Marcian released *spectabiles* and *clarissimi* resident in the provinces from the obligation of the praetorship. Henceforth there were to be only three praetors a year, and even they were released from any compulsory expenditure. The praetorship was still regarded as a burden at the end of the fifth century, but in the sixth the praetorian games seem to have died at Constantinople. In the West the praetorship continued in its traditional form, and Boethius still complains of it as a heavy burden on senators.<sup>50</sup>

After Marcian senators in the Eastern empire had few if any special financial obligations. The *gleba* and the praetorship, as a compulsory charge, had been formally abolished, and nothing is heard of the levies of horses and recruits formerly made on *honorati*. The two lower classes of senators had also lost most of their legal privileges: they were no longer exempt from *extraordinaria* and *sordida munera*, they no longer enjoyed any jurisdictional prerogatives, and those promoted from the curial order were not released from their obligations to their native cities. *Illustres* were in a more favoured position, for they, while they were relieved of special senatorial burdens, retained or regained the privileges which all senators had once shared. All *illustres* were exempt from extraordinary levies of all kinds, and enjoyed special rights, if prosecuted, in the courts of law. Holders of illustrious offices—or after Zeno the higher illustrious offices—could moreover achieve release from curial status for themselves and their descendants.

The legal privileges of rank, and in particular release from curial obligations, were undoubtedly one of the principal reasons why admission to the equestrian order, the *comitiva* and the senate was so greatly coveted. The laws of the Theodosian Code frequently denounce those who obtain honorary codicils of rank in order to evade their curial duties, and Libanius often pleads for the grant of an office to a decurion because he is allegedly too poor to support the burden of his status. But it may be doubted whether on purely financial grounds it was always a gain to rise from curial to senatorial status. The initial cost must generally have been very heavy, since apart from fees large sums had usually to be laid out in securing *suffragia*, and the praetorship seems to have been regarded as being even more onerous than curial obligations. In one of his letters Libanius, urging a young friend, Hyperechius, to resist his father's ambition to secure him a seat in the senate, stresses these points. 'If you make the right decision you will be able to serve your native city, a course which will bring you glory and power, and above all will do justice to your family, whereas your father will send you to throw your money into the sea. For at Constantinople you will gain nothing but expense, while at home you will be impoverished by your expenses elsewhere; your money will thus be lost by the decision of him who has given it to you. Persuade him not to emulate the cow in the proverb who, by kicking, spills the milk that is being drawn from her. If you do what he wants, you will throw away a great part of your property, and will live the rest of your life in torpid idleness, seeing your neighbours' affairs prosper, and with no gain to yourself except an empty title.'<sup>51</sup>

If the financial gain was questionable when senatorial rank brought release from curial duties, it was certainly a financial loss for a decurion to become a senator after 390, when he was obliged to shoulder his curial and senatorial burdens concurrently. Nevertheless decurions continued to press into the senate. There were evidently other attractions even more important than the legal privileges which made senatorial rank desirable.

The common human desire to have a handle to one's name and to take precedence over one's neighbours accounts for much. Titles were clearly much valued in the later Roman empire. They were regularly used not only in official documents but in private correspondence, and they steadily became more florid and bombastic; the highest class were not content by the middle of the fifth century to be merely *illustres*, they were also *magnificentissimi*,

and the upper stratum among them were *gloriosissimi*. The high importance attached to precedence among the aristocracy is illustrated by the elaborate laws regulating it which have been quoted above. These laws refer primarily to sessions of the senate and the consistory, but similar regulations governed protocol in the provinces. The 'order of salutation' laid down by the consular of Numidia in Julian's reign is preserved in an inscription. First came senators, *comites*, former *comites*, and holders of imperial offices (*administratores*); next the *princeps* and *cornicularius* of the *officium* had local precedence over *palatini*; in the third class came presidents of the provincial assembly (*coronati*), and so on down the scale. How seriously these things were taken is shown by a law of Valentinian II, in which he solemnly warns his praetorian prefects that *domestici et protectores* have the right to kiss vicars, and that refusal of this honour to them will be penalised as sacrilege.<sup>52</sup>

Precedence and protocol were, however, not matters of mere vanity. They had a very real if rather intangible value. A provincial governor could order mere decurions about, and too often ignored their legal privileges, and flogged them if he was annoyed with them. But if a decurion became *clarissimus*, things were rather different. He was now of equal rank with the governor, if not superior to him. No governor would venture to flog a *clarissimus*, however provocative his conduct.

The simple desire for personal security was a potent reason for seeking admission to the ranks of the aristocracy. Libanius passionately declares that it was the growing habit of flogging decurions that drove them to seek senatorial rank. That he was not entirely wrong is often admitted by the emperors themselves. In 392 Theodosius allowed a decurion who had fulfilled his duties to acquire the *comitiva tertii ordinis*, 'in order that the dignity granted to him may protect him from all injuries', and in 419 the same modest rank was accorded to the heads of the butchers' guild at Rome so that 'no fear of corporal injury may terrify them'. In 439 Florentius, praetorian prefect of the East, reported that 'certain *curiales*, wishing to protect themselves from the injuries of governors, have taken refuge in the prerogative of the senatorial dignity'—and this at a time when they remained subject to their curial obligations, in addition to their senatorial burdens.<sup>53</sup>

Rank conveyed other more positive advantages than mere personal security. Libanius complains bitterly that the right of entrée to the governor and of sitting on the bench beside him was abused by men of rank to secure unlawful favours and pervert the course of justice. Once again imperial legislation bears out

Libanius' strictures. Gratian in 377 forbade private afternoon visits to a provincial governor by anyone of the same province, whether known to him or unknown, who claimed admission on the score of rank.<sup>54</sup>

Official rank not only enabled the holder to exercise backstairs influence upon the governor; it made it possible for him to flout his authority. In 395, three years after Theodosius had allowed the *comitiva* to decurions, Arcadius had to issue a warning: 'decurions who have received an honorary *comitiva* ought to fear those to whose government they have been committed and not to imagine that they have earned their rank in order to despise the commands of provincial governors.' Florentius continued his report of 439 by remarking that *curiales* admitted to the senate, on the pretext that their resources were exhausted by the praetorship, refused to perform their local obligations. He goes on: 'But you also perceive that the public interest is damaged by the fact that, owing to the respect paid to their dignity, they place themselves beyond the coercive powers of the provincial governors. The collection of arrears flags when the exactor pays deference to the debtor.'<sup>55</sup>

The decurions concerned were no richer than they had been; they were the poorer by the expenses of a praetorship and by the large sums which they must have spent in securing their codicils. They had gained no legal right to decline their curial duties, still less to refuse to pay their taxes. But the mere title of senator was by itself enough to enable them to flout the law. Such being the power of a title, it is little wonder that official rank, even if it cost money to obtain and involved financial burdens, was coveted by all who could afford it and by many who could not. This helps to explain why so many men were willing to incur huge debts to obtain offices, whose profits, however increased by extortion and corruption, barely covered their cost. It was not so much the office which they valued as the rank which it conveyed on them in after life. As Salvian in his usual exaggerated way puts it: 'an office once held gives them the privilege of having a perpetual right of rapine.'<sup>56</sup>

The aristocracy as it expanded became more and more mixed in its social and geographical and racial origins. The Roman senate contained a nucleus of ancient families who claimed descent from the Scipios and the Gracchi. Their pedigrees cannot be verified, but it would be rash to deny that by adoptions or through

the female line they may have been able to trace some tenuous link with the Republican nobility. It may be that in the veins of Anicius Acilius Glabrio Faustus, consul in 438, there flowed a few drops of the blood of the Acilius Glabrio who achieved nobility for his family by winning the consulship in 191 BC. But whatever the truth of the matter, there is no doubt that these families believed themselves to be of vast antiquity and that their claims were generally accepted. Many of them, notably the great clan of the Anicii with its many branches, continued to flourish down to the sixth century.<sup>57</sup>

The senate of Constantinople had no such ancient core. It no doubt contained a number of families whose origins went back further than the reign of Constantius II, for he presumably enrolled in it senators domiciled in his dominions; he certainly transferred to it the senators of Macedonia and Illyricum in 357. But these provincial senatorial families are not likely to have been of any great antiquity. Libanius' jibe was justified: it could not be claimed 'that the whole senate consisted of nobles descended from four generations or more of ancestors who had been magistrates and ambassadors and done public service'. Libanius maliciously goes on to cite a number of great senators of the previous generations who had risen from the humblest origins—Ablabius, who had started life as a *cobortalis* of the province of Crete, Philippus, whose father was a sausage maker, Datianus, the son of a cloakroom attendant in the baths, Dulcitius whose father was a Phrygian fuller, Domitianus, the son of a working man, Taurus and Elpidius.<sup>58</sup>

The Codes strongly suggest that the principal recruiting ground from which first the equestrian order and the *comitiva*, and later the senate, both in the West and in the East, drew their new members, was the curial class. This was only natural. The higher strata of the curial class comprised the élite of the provinces. Its members could often boast of very respectable pedigrees, even if they could not, like Synesius, trace their ancestry back to the Heraclids. They were men of substance, owning considerable landed estates. In their humbler sphere they served the state, not only holding office in their cities, but as provincial high priests providing games for their provinces. They were men of culture, educated in the rhetorical schools. Superior decurions in fact conformed to the conventional standards of nobility. They were such men as the emperors would naturally wish to honour, and the senate would welcome as colleagues. What was more important, perhaps, in practice, they possessed social connections which enabled them to secure the interest of great men, and money with which to buy



their interest if need be. Their education moreover qualified them for the higher professions, in particular the bar, which were regular gateways to the senate.<sup>59</sup>

Many decurions earned admission to the senate by tenure of a *dignitas*: this was only rarely prohibited and in practice always possible. Most no doubt went no further than a provincial governorship or a vicariate, thus qualifying as *clarissimi* or *spectabiles*, but in the East, at any rate, some rose to the illustrious offices and in this way entered the inner circle of the aristocracy, which became in the latter part of the fifth century the effective senate. Zeno found it necessary to enact that only the higher illustrious offices—the urban and praetorian prefectures and the masterships of the soldiers—should carry with them exemption from curial duties, and that decurions who had since the beginning of his reign held the lesser offices from quaestor to *comes rei privatae* should remain subject to their civil obligations. A law of Anastasius annulling Zeno's in so far as it was retrospective proves that a substantial number of decurions must have held the lesser illustrious offices in the first ten years of Zeno's reign. Justinian in 538 still speaks of himself as appointing *curiales* to the highest offices which carried exemption.<sup>60</sup>

It is evident that even larger numbers of decurions gained access to the imperial aristocracy by obtaining for themselves, by influence or bribery or both, codicils of rank or honorary offices. Such promotions, which had not been earned by any service to the state, were constantly denounced by the imperial government, but these very denunciations make it plain that they always continued to be common. Here again decurions were at first content with codicils of the clarissimate or equivalent honorary offices, but as the lower grades of the senatorial order sank in value they sought—and obtained—honorary illustrious offices. Justinian still granted them to *curiales*, only reaffirming that the beneficiaries, while becoming members of the senate, did not escape their curial obligations.<sup>61</sup>

The palatine *militiae* were a regular avenue of advancement. All the more distinguished corps during the fourth and early fifth centuries successively secured the privilege that their senior members on retirement or during their last years of service were automatically accorded codicils of senatorial rank, and in some of the most distinguished all members were graded as senators. The notaries were by 381 all senators, the senior members (the tribunes) being *spectabiles* and the junior (the *domestici*) *clarissimi*. By a law of the same year the *proximi* of the *sacra scrinia* retired as *spectabiles*, and in 410 all senior clerks of the *scrinia* were accorded the clarissimate. In 386 the *principes* of the *agentes in rebus* became

*clarissimi*, and in 426 *spectabiles*. The silentiaries by a law of 415 achieved the rank of *spectabiles* if they retired as decurions of the sacred palace, and in 437 all became senators on retirement after thirteen or more years of service. Between 414 and 416 the ten senior members of the *domestici* and the *protectores* became *clarissimi*. The retiring chief clerks of the *largitiones* and the *res privata* were also in 408 and 425 awarded the clarissimate on retirement, but soon after renounced the expensive honour. Outside the palace even the highest ministries were much more sparingly rewarded. It was not until the reign of Anastasius that the principal officials of the praetorian prefecture received on retirement a *comitiva primi ordinis*, which carried the rank of *clarissimus*.<sup>62</sup>

Apart from these routine honours *palatini* enjoyed exceptional opportunities for obtaining special promotion to honorary or active offices, either during their service or as a reward when they retired. In the reign of Constantius II many notaries received spectacular advancement, even to the praetorian prefecture and the ordinary consulship. No other corps achieved such outstanding successes but a law of 380 implies that retired *principes* of the *agentes in rebus* were often awarded provincial governorships, and laws of 423 and 432 suggest that silentiaries might well be promoted to higher things before completing their service.

Many decurions wormed their way into the palatine service despite laws to the contrary, and thus managed to achieve senatorial rank. But the palatine service also provided an avenue of advancement for persons of humbler status, especially in the fourth century when access to it was relatively easy. Under Constantius II the notaries were still recruited from the lower classes, and it was in this way that the Constantinopolitan senators whose lowly origins Libanius held up to scorn had achieved their rank. But by the early fifth century the notaries had become a fashionable corps, in which hereditary senators, including young men of the noblest families, did nominal service, and men of humble origins could no longer hope to secure a place in it. Other palatine services underwent a similar evolution. Places in the corps of the *domestici* and *protectores* were by the sixth century only obtainable by purchase, and at very high prices. In the silentiaries and the *scholares* too posts had to be bought. All these corps seem to have become preserves of the wealthy. Entry into the *sacra scrinia* was also by purchase, but here the price was not prohibitive, and these ministries and the corps of the *agentes in rebus* still provided a channel of advancement to the humble. There were in the reign of Valentinian III men serving in the *sacra scrinia* who were descended from *coloni*. It was still in Justinian's reign the anomalous privilege

of *principes* of the *agentes in rebus* and *proximi* of the *sacra scrinia* that they secured exemption from curial obligations for themselves and their children born after their promotion, although the rank of *spectabilis* no longer carried this immunity.<sup>63</sup>

The bar provided access to the senate in two ways. Barristers, usually after preliminary service as assessors, were frequently, and indeed regularly, appointed to provincial governorships. Senior advocates of the high courts were in the late fifth and sixth centuries often promoted direct to the praetorian prefecture. Lawyers of distinction were often chosen as *magistri scriniorum* and quaestors. On the other hand from the early fifth century barristers of the high courts who did not aspire to office received senatorial rank on retirement, and from 440 an honorary *comitiva consistoriana* which carried the rank of *spectabilis*. In the lower courts such rewards were given more sparingly and later. Barristers enrolled at the bars of the *comes rei privatae* and the proconsul of Asia were only accorded the rank of *comites primi ordinis clarissimi* on retirement—and this as the result of a special petition to Anastasius.

While a high proportion of barristers came of curial families, some were of humbler origin. Maximinus, who ultimately became praetorian prefect to Valentinian I, was the son of a *cohortalis*, and in the fifth and sixth centuries *cohortales* seemed to have rivalled *curiales* in the legal profession. By this time there was a marked tendency for the membership of the profession to become hereditary, but it still provided a channel whereby *cohortales* and *curiales* could rise into the aristocracy. Justinian confirmed the anomalous rule that *advocati fisci* of the praetorian and urban prefectures secured immunity from curial or cohortal obligations, and only limited the privilege by confining it to sons born after their fathers' promotion.<sup>64</sup>

The other learned professions provided less regular opportunities for promotion. Doctors could only hope to achieve senatorial rank by becoming *archiatri sacri palatii*. Professors of the imperial university of Constantinople were from 425 awarded a *comitiva primi ordinis* with the rank of *spectabilis* after twenty years' service. But rhetoricians and poets were not infrequently accorded *dignitates*, active or honorary. Libanius was offered the rank of quaestor by Julian, and that of praetorian prefect by Theodosius I; the Athenian philosopher Celsus was, as we have seen, admitted to the Roman senate on Symmachus' recommendation; the poet Claudian enjoyed the rank of a tribune and notary. All the professors of law at Berytus and Constantinople who took part in the compilation of the Code and the Digest and Institutes enjoyed honorary illustrious rank. It is unlikely that many members of the

learned professions came from the lower classes, for the education required was long and correspondingly expensive. But some men of quite modest status must have risen through them into the aristocracy. Augustine, the son of a poor decurion of a small town, was hoping for honours, as he himself tells us, when he decided to abandon his career as a professor for the Christian life.<sup>65</sup>

The main channel whereby men of the lowest degree could rise into the aristocracy was the army. It was no doubt never easy for the common soldier to achieve promotion. Most regimental officers were probably at all times sons of officers or decurions, who had been directly commissioned, and it was normally these directly commissioned officers who were promoted to the higher ranks of the service. But privates were not infrequently given commissions as *protectores* or tribunes or prefects, and thus rose into the equestrian order, and, in the fifth and sixth centuries, into the clarissimate. Ranker officers generally achieved their promotion too late to go much further, but some went on to be *duces*, *comites rei militaris* and even *magistri militum*, thus rising into the highest class of the illustrate. Such cases as the elder Gratian, Arbetio, and Justin show that it was always possible for a peasant to become a senator, a consul or even an emperor.<sup>66</sup>

The senatorial order was thus by the end of the fourth century a very mixed body. At Rome the contrasts were sharpest. Here the most blue-blooded aristocrats, who claimed to trace their noble ancestors back over many centuries, rubbed shoulders with parvenus of all kinds. The majority came from good middle-class families, which had for generations held a leading position in their own cities and provinces, but had until recently never aspired to the Roman senate. But amongst them there were also rising barristers, who might be sons of *cobortales*, rhetoricians and poets, who might have come from the poorest homes, elderly ex-palatine officials whose not too remote ancestors had been working men or peasants, tied to the soil, and grizzled and illiterate generals, who as boys had followed the plough, not to speak of retired eunuchs who had been bought in the slave markets of Armenia or Persia.

In each succeeding generation the sons of these parvenus became assimilated, and in time their families might become almost as noble as the ancient aristocratic houses. But in the West the senatorial order was already by the latter part of the fourth century stratified into classes and this stratification tended to harden. The old nobility together with the descendants of men who had in the fourth century achieved the highest rank formed an inner aristocracy which almost monopolised the illustrious offices, and lesser

senators rarely rose beyond the rank of *spectabilis* or *clarissimus*. New blood must have continued to flow into these lower grades of the order; Sidonius Apollinaris tells the story of Paeonius, an ambitious upstart of curial birth who used his illgotten wealth to marry into a noble family and rise to the rank of *spectabilis*. But it became increasingly difficult to rise into the illustrious class; Sidonius was shocked to the core when the lowborn Paeonius took advantage of the interregnum which followed Avitus' death to insinuate himself into the praetorian prefecture of the Gauls and thus become a real senator.<sup>67</sup>

At Constantinople there were no ancient noble families. In the fourth century the majority of eastern senators could at best boast of respectable middle-class ancestry, and not a few of the greatest magnates were, as Libanius complained, *parvenus* who had risen from the humblest origins. By the fifth century a hereditary nobility had formed itself from the descendants of fourth-century senators, but naturally it lacked the prestige of the ancient aristocracy of Rome. Some of the greatest families were descended from the *parvenus* on whom Libanius heaped scorn. Aurelian and Caesarius, whom Synesius depicts as great nobles in the reign of Arcadius, were the sons of that Taurus who had under Constantius II risen from a mere notary to praetorian prefect and ordinary consul. Aurelian's son Taurus was in his turn consul in 428 and praetorian prefect. Philip, the sausage maker's son, founded a notable family. His grandson was the great Anthemius, who was virtual regent of the empire in the early fifth century, Anthemius' son was Isidore, praetorian prefect and consul in 436, his grandson, another Anthemius, was chosen by Leo to be Augustus of the West. In the next generation Anthemius' son Marcian was consul in 469 or 472, married the younger daughter of the emperor Leo, and raised an unsuccessful rebellion against Zeno in 479. The family nevertheless continued to hold its own. The empress Ariadne strongly pressed Anastasius to appoint Anthemius, another son of the western emperor, to the praetorian prefecture of the East; the Anthemius who was consul in 515 was perhaps his son.<sup>68</sup>

In the East, as in the West, there was thus some tendency for the great families to establish a prescriptive claim to the illustrious offices. But the inner aristocracy of the *illustres* never became so exclusive a body as at Rome. New men of curial origin were still obtaining codicils of illustrious rank under Justinian, and not a few were promoted to the illustrious offices. The praetorian prefecture was regularly given to barristers, and sometimes to civil servants, and the mastership of the soldiers to officers of humble birth. Justinian's senate included many members whose

ancestors had for several generations back held illustrious rank. But it also included not a few whose fathers or grandfathers had been *spectabiles* or *clarissimi*, or even simple commoners.

Senators were as mixed in their geographical and racial origins as in their social background. The senate drew its recruits from all the provinces of the empire without distinction. Men of Western origin naturally predominated at Rome, and those from the Eastern provinces at Constantinople, but there was some migration from East to West, and West to East, particularly in the fourth century. Westerners, especially Pannonians, came in the train of Valens to Constantinople, and were followed by Gauls and Spaniards under Theodosius I. Easterners followed Theodosius to Rome when he reconquered the West from the usurpers Maximus and Eugenius. The great majority of senators were naturally Roman citizens by birth, but the army contributed a substantial infusion of barbarians, mainly Germans, but including some Persians and other Orientals, even into the highest ranks of the aristocracy.

From the time of Constantine a high proportion of the *magistri militum*, both in the West and in the East, were of barbarian origin, and though there were temporary reactions, notably in the West after the fall of Stilicho, barbarians continued to receive the highest military offices down to the early sixth century. These men seem on the whole to have been assimilated into the higher aristocracy. They and their sons and daughters intermarried with the great noble families, even with the imperial house itself: Theodosius I gave his niece Serena to the Vandal Stilicho, and Arcadius married the daughter of Bauto the Frank. Some of them founded families which proudly bore Germanic or Oriental names generation after generation. Genealogies are difficult to trace, but Flavius Arcobindus Dagalaifus, consul of 506, who married Anicia Juliana of the great Roman house of the Anicii, was the son of Dagalaifus, described as a most glorious patrician under Zeno, and consul in 461, and he the son of Arcobindus, master of the soldiers and consul in 434. Hormisdas, praetorian prefect of the East in 448-50, and Pusaeus, consul in 467, probably derived their names from Persian generals who served the empire in the fourth century: Hormisdas, the exiled son of a Persian king, had been *magister militum* under Julian, and a Persian officer named Pusaeus had deserted to Julian and been made *dux* of Egypt.<sup>69</sup>

The senatorial order as it expanded became more and more

widely diffused in its domicile. Technically, as we have seen, all senators were supposed to reside at Rome or Constantinople. Many senators, particularly those of the old families, did in fact reside at Rome, or at least kept up a town house there, which they regularly used, though they spent many months of the year in their country villas. Rome, though it had lost its position as the administrative capital of the empire, remained to the sixth century the centre of aristocratic society, and continued to attract newly ennobled senators. There was, however, a counter-attraction in the court, wherever it might happen to be. Politically ambitious senators gravitated to the emperors, and when the *comitatus* settled down at Milan and then at Ravenna, these two cities became in turn centres of senatorial society. In the East there was no such conflict of loyalties. Constantinople was from the first both the seat of the senate and the normal residence of the emperors, and combined the roles of political and social capital.<sup>70</sup>

It is clear, however, that already in the early fourth century—and indeed long before that—many senators had standing leave to reside in the provinces. This is demonstrated by the laws regulating the *praescriptio fori* enjoyed by senators, and by those dealing with the *gleba*, the *aurum oblativum*, and the quaestorian and praetorian games. Constantine addressed a law to Octavian, *comes Hispaniarum*, ruling that senators accused of criminal charges should be tried by the governor of the province, and enacted that senators under twenty years age, living in the provinces overseas, should be excused the fine imposed on those who failed to present themselves for their games. Many later laws allude to provincial senators. Constantius II in 357 speaks of ‘those possessed of the title of *clarissimus* throughout Achaëa, Macedonia and the whole of Illyricum who cunningly avoid the senate house of Rome and rarely if ever visit the home of their dignity’. Honorius in 395 ordered that senators resident in Rome should pay their *aurum oblativum* in the city, but that the *censuales* should collect the sums due from those who had permanent domicile in the provinces.<sup>71</sup>

In the fifth century there were in the West illustrious families domiciled in the provinces. The anti-Donatist law of 412 imposed a scale of fines on recusants ranging down from 50 lb. gold on *illustres*: but there were perhaps few senators of so high a rank in Africa, for a second penal law issued two years later begins with *spectabiles*. In Gaul the correspondence of Sidonius Apollinaris reveals the existence of a number of great families whose members held illustrious offices, mainly in Gaul itself, and rarely if ever visited Rome. Sidonius himself paid only two visits to the capital, once in the train of the Gallic emperor Avitus, and again as

delegate of his native city to Anthemius: it was on this second occasion that by a timely panegyric on the new emperor he secured the prefecture of the city and thus achieved the illustrious rank which his forbears had held.<sup>72</sup>

But it was naturally on the whole the senators of lesser degree who preferred to live in their home towns in the provinces. In the East the laws strongly imply this distinction. A law of 436 ordered senators of curial descent, if *spectabiles*, to perform their obligations to their cities in person, but allowed those of honorary illustrious rank, though financially liable, to serve through deputies. Another law of about the same date licensed all *clarissimi* and *spectabiles* to go to their homes or anywhere else and to reside where they wished without obtaining formal leave. The implication of both these laws is that *illustres* were in principle bound to live at Constantinople and had to obtain special leave if they did not, whereas the two lower grades normally lived in the provinces. Marcian's two laws on the praetorship, one of which gave exemption to *clarissimi* and *spectabiles* resident in the provinces, and the other confined it to senators living in the capital, are based on the same assumption. Nevertheless laws of Zeno and Anastasius speak of *illustres* who normally lived in the provinces.<sup>73</sup>

There were vast contrasts in wealth between the richest members of the senatorial order and the poorest. Many senators at Rome, we are told by Olympiodorus, drew from their estates incomes of 4000 lb. gold, and in corn, wine and other produce in kind the equivalent of about a third as much again. Those of medium wealth (among whom he classes Symmachus) enjoyed revenues of 1500 or 1000 lb. gold. Melania, who according to her contemporary biography had an income of about 120,000 solidi, or over 1600 lb. gold, would also have belonged to the middle range of senatorial houses. What evidence we have suggests that there were no such millionaires in the senate of Constantinople. John Lydus tells a story of two Constantinopolitan senators of his own day, both of the highest rank. Zenodotus, it is true, had held only an honorary consulship, which by a law of Zeno cost 100 lb. gold. But Paul was the son of Vibianus, praetorian prefect of the East in 459-60 and consul in 463, and had himself celebrated his consulship, in 498, with unexampled splendour. Paul got into financial difficulties and borrowed heavily from Zenodotus. Zenodotus, unable to recover his money, appealed to Anastasius. The emperor, seeing that Paul would be ruined if he were made to



pay, and Zenodotus if he abandoned his claim, gave 2000 lb. gold to Paul, half to repay Zenodotus, and half to put him on his feet again. It would appear that a senator of the highest rank at Constantinople was worth in capital about the annual income of a senator of medium grade at Rome.<sup>74</sup>

The sums expended by senators on games at the two capitals give the same impression. The highest figure demanded from a Constantinopolitan praetor, 1000 lb. silver or about 70 lb. gold, is a bagatelle compared with the 2000 lb. gold which Symmachus spent on his son's praetorship. At Constantinople the consular games cost no more, but, although the greater part of the bill was defrayed by the treasury, senators could not be found willing to support the expenses of the consulship.<sup>75</sup>

The explanation of this contrast between the Roman and Constantinopolitan senates lies in their history. The great Roman families had begun to accumulate their wealth as far back as the second and third centuries B.C. Old families had died out, but their wealth had generally passed by adoption or bequest or through an heiress to another senatorial family. The new families which came in were usually rich, and their fortunes were added to the pool. By judicious marriages with great heiresses and bequests from rich senators who died childless the surviving families, generation after generation, concentrated more wealth into their hands, and by the fourth century, after five centuries or more of accumulation, had built up the vast fortunes which Olympiodorus describes. Constantinopolitan senators started for the most part with ordinary middle-class fortunes in the fourth century, and though many of them enriched themselves handsomely in the course of their official careers they could not hope to rival their Roman colleagues. At Constantinople too the concentration of wealth grew by the extinction of some families and the passage of their estates through heiresses or by will to others, but even by the sixth century this process had not produced such vast accumulations of wealth as were found at Rome. With a start of five centuries or more the great Roman families had too big a lead to be overtaken in two hundred years.

Many of the new entrants to the order were men of considerable inherited wealth, leading decurions of great cities. Many had made comfortable fortunes by successful practice at the bar or as famous teachers of rhetoric. More had enriched themselves by extortion and corruption in the official posts which they held. But in the lowest grades of the senatorial order, as it expanded more and more widely, there were men of quite modest means. The protest which the Constantinopolitan senate raised in 393 about the *foliis* does

not in itself prove much, but Theodosius' response, in creating a fourth class of senators who paid only seven solidi a year and giving those unwilling to pay even this trifling sum the option of renouncing their rank, suggests that the senate by this date did really include quite poor members. For seven solidi a year was the equivalent of the upkeep of two or three slaves, and even Libanius' miserably underpaid assistants could afford so meagre a domestic staff.<sup>76</sup>

Such poor senators might include military officers, especially those who had risen from the ranks: Libanius mentions one who after long service rose to be a *dux*, but on retirement possessed only one farm and eleven slaves. They no doubt also included humbler decurions who to escape the brutality of provincial governors secured codicils which they really could not afford. A law of 413 mentions technicians who might be awarded a *comitiva primi ordinis* in recognition of their services in connection with public works, and suggests that they might well refuse the honour, in view of the dues to which senators were liable—and also the obligation to attend provincial assemblies and the senate itself. Another class of relatively poor senators were retired palatine civil servants. The fact that most were excused the *folles*, even the minimum payment of seven solidi, may be evidence of the pressure they could bring on the government rather than of their poverty. But other evidence suggests that most retired with no more than a comfortable competence. It is significant that in 428 the chief clerks of the *largitiones* and *res privata*, who had not managed to secure exemption from the *gleba*, renounced the senatorial rank which had been accorded to them a few years earlier rather than pay the tax.<sup>77</sup>

From Melania, whose vast estates were scattered over Italy, Sicily, Africa and Spain, to Theocles of Cyrrhus, whose single farm barely supported him, senators derived their incomes in the main from land. This is shown by the character of the senatorial tax, the *gleba*. Gratian, it is true, enacted that even senators who had no possessions at all were liable to what was then the minimum rate of two *folles*. But such landless senators must have been very exceptional cases. The *gleba* was in essence a land tax, and the first duty of a newly appointed senator was to make a full return of his estates for purposes of assessment. The privileges which senators enjoyed in connection with extraordinary levies, *sordida munera*, and the levy of recruits, all imply that they were landowners. The institution of *defensores senatus* points the same way. The senate of Constantinople was empowered by Constantius II to elect official representatives who should in each province maintain the privileged

status of its members' land against the encroachments of provincial governors and city councils.<sup>78</sup>

Senators could of course add to their incomes in a variety of ways. There is only one allusion to their sinking to commerce, a law of Honorius which forbids this unseemly activity to those of noble ancestry or distinguished official rank. The liberal professions were open to them, and they not uncommonly practised at the bar. But the typical and principal activity of senators was the public service, and some ambitious senators added considerably to their wealth in this way. The lower offices, those of the grades of *clarissimus* and *spectabilis*, were, it is true, very poorly remunerated, and even the salaries of the highest cannot have meant much to the richer members of the order: the 100 lb. gold a year which the praetorian prefect of Africa earned under Justinian can have been no great attraction to men with unearned incomes of 1,000 lb. gold or more. But offices could be made to yield very much more than their official salaries, and even if the lower offices became in time so expensive to buy that the margin of profit was greatly reduced, the higher offices could, to those whose consciences were not too tender, be the means of achieving great wealth.

Apart from the actual tenure of offices senators who frequented the *comitatus* had great opportunities of making money. Those in the inner circle who had, or were reputed to have, the emperor's ear, could and did charge large sums for their *suffragia*. They also could and did solicit the emperor for gifts of money and land, and seem to have made a regular income by such petitions. Certainly in one way or another many relatively poor men like Rufinus or Tatian, Marinus the Syrian or John the Cappadocian, ended an active official career as millionaires. Nor did wealthy nobles neglect such opportunities of increasing their fortunes: Ammianus strongly hints that Petronius Probus exploited his four praetorian prefectures to add to his vast inherited wealth and names among those who under Constantius II chiefly profited from grants of confiscated estates not only Eusebius, the chief eunuch, and Arbeto, the ranker master of the soldiers, but Vulcatius Rufinus, the nobly born praetorian prefect of Italy, and above all 'the Anicii, whose later generations outrivalled their ancestors, never sated with their growing possessions'.<sup>79</sup>

By no means all senators, however, pursued an active official career. In the humbler ranks of the order there were many who having secured their honorary codicils or held a single office were

content to live in their home towns with the proud title of *clarissimus* or *spectabilis*, and many who, having inherited senatorial rank, had no ambition to lobby for a provincial governorship. Among the higher nobility also it was probably a minority who took an active part in the government of the empire. There was among the old families of Rome a certain tradition of public service, but many great nobles held only the minimum number of posts to achieve the illustrious rank which they regarded as due to family pride. Symmachus, who as *corrector* of Lucania, proconsul of Africa and prefect of the city, devoted about three years of his life to the public service, is typical of many fourth century Roman nobles.<sup>80</sup>

In the fifth century members of the aristocratic houses disdained the lower offices, and expected to hold illustrious posts only. Rufius Praetextatus Postumianus, after service in the fashionable corps of the notaries, became straightway prefect of the city, an office which he held twice. Anicius Acilius Glabrio Faustus, after being *comes* of the consistory, likewise jumped straight to the prefecture of the city, which he held three times, followed by two praetorian prefectures: but despite his many tenures he probably did not spend much over half a dozen years in office. Petronius Maximus, after brief service as tribune and notary, was *comes sacrarum largitionum* for three years, and prefect of the city for eighteen months, all before he was twenty-five. He was later again urban prefect and praetorian prefect of Italy twice; but he was a very ambitious man who, as Sidonius Apollinaris remarks, 'had boldly climbed the peak of prefecture, patriciate and consulate, and unsated had redoubled the magistracies which he held', even before he aspired to the purple. Sidonius himself, a member of a great Gallic family, was even more inactive than his Roman colleagues; he held one office only, the urban prefecture, and that by a lucky chance.<sup>81</sup>

There were great aristocrats who, sure of holding the ordinary consulate, to which they were sometimes promoted in their youth, disdained to hold even illustrious offices. Nummius Albinus, consul in 345, was never anything but *comes ordinis primi*. Of this we can be certain from the record of his career put up by his son. In other cases definite proof is lacking, but the consular *fasti* include, besides members of the imperial family, praetorian and urban prefects, and *magistri militum*, the names of men who are not recorded to have held any high office. Some are mere names to us, others are known to have belonged to one of the great families, like Anicius Hermogenianus Olybrius and Symmachus, the grandson of the orator, consuls in 395 and 446. They may perhaps have held a brief prefecture of which no records survive, but more probably they thought even the highest office beneath them.<sup>82</sup>

In the East the picture is less clear, since inscriptions recording careers are lacking. Even in the fourth century there were imperial favourites like Optatus or Datianus who were accorded the patriariate and the ordinary consulship, but are never recorded to have held any office. Many members of the new nobility of the fifth centuries seem like their Western colleagues to have confined themselves to a few illustrious offices, and some to have held none at all. Most of the senatorial commissioners at the Council of Chalcedon had held some illustrious office, but Senator, consul in 435, is recorded in the minutes as 'the most glorious ex-consul and patrician'. The consular *fasti* record as many Eastern as Western consuls who are not known to us to have held any office, and not a few of these doubtless, like Senator, actually held none.

Such great nobles, who held no offices of state, were not necessarily idle men. Senator not only served on the imperial commission which guided the debates of the Council of Chalcedon, but undertook the more arduous task of going as ambassador to Attila. He was, as Theodoret's letters to him indicate, an active member of the *comitatus*, whose support it was worth while to enlist. But many great aristocrats, especially in the West, seem to have taken no interest in public affairs. They lived that life of leisured ease (*otium*) which was acknowledged as the birthright of a senator.<sup>83</sup>

Ammianus Marcellinus makes a savage attack on the Roman aristocracy of his day. He castigates their ostentatious luxury—their palatial mansions, their huge staffs of pampered slaves, their towering carriages, their extravagant clothes, and their gargantuan banquets, where enormous fish and birds were solemnly weighed at table, and their weights recorded by attendant notaries. He is even more severe on their idleness and frivolity. They regard a journey to one of their more distant estates as a major expedition, they care for nothing except the races, dancing girls and gaming. Their libraries are locked like mausolea, and the only literature they read is the satires of Juvenal and the scandalous biographies of Marius Maximus.<sup>84</sup>

There is no doubt some truth in these strictures. Great senators certainly lived on a princely scale. The biographer of Melania waxes lyrical about the huge stocks of silken and embroidered garments and of silver plate which she and Pinianus distributed to the churches when they adopted the ascetic life. Symmachus mentions in his correspondence, besides three houses in Rome, fifteen villas which he possessed in various parts of Italy. The staffs to maintain all these mansions with their parks and gardens must have run to many hundreds, if not thousands as John Chrysostom alleges.<sup>85</sup>

Not even Serena, the niece of Theodosius the Great and wife of Stilicho, could afford to buy Pinianus' huge town house with its wealth of precious marbles. Near Enna in Sicily have been revealed the ruins of a country house which may well have belonged to the Symmachi, who are known to have sometimes resided in the territory of Enna. The house was built at the beginning of the fourth century, and remained in use down to the sixth century and later. Most of its thirty-odd rooms are grouped around a spacious colonnaded court, 120 by 100 feet, and a great corridor, 200 feet long and 16 feet wide, which runs parallel with the eastern side of the court. To the north-western corner of the court is attached a sumptuous suite of baths, with an octagonal *tepidarium* flanked by eight apsidal rooms. Off the eastern side of the great corridor opens a huge dining or reception room, 40 feet wide and 80 feet long, ending in a wide apse. To the south of the main court is another smaller oval colonnaded court, on to which opens on the east another great reception room, a square 70 feet either way, flanked by three apsidal *exedrae*.

The splendid floor mosaics illustrate the tastes and interests of the owners. There are themes drawn from Greek mythology, including the Labours of Hercules, Orpheus charming the beasts, and the story of Lycurgus and Ambrosia. There are scenes of hunting and fishing and country life. The vestibule of the baths is adorned with a huge picture, 70 feet long, of a chariot race in the Circus Maximus, and the great corridor with a giant composition showing wild beasts being hunted and trapped and put aboard ships for transport to the Roman arena.<sup>86</sup>

Ammianus seems to have been too sweeping in his charge of frivolity. The picture of the senatorial aristocracy of Rome in the late fourth century which emerges from Symmachus' letters is very different from Ammianus' caricature, and so is that of the Gallic aristocracy in the following century which Sidonius Apollinaris draws. Neither Symmachus nor Sidonius, it is true, nor the majority of their friends, led very active or useful lives. Though he lived through stirring times, Valentinian's German wars and the revolt of Firmus, the battle of Adrianople and the desperate struggle with the Goths, the rebellions of Maximus and Eugenius and the final victory of Theodosius the Great, the revolt of Gildo and the invasion of Italy itself by Radagaesius and by Alaric—Symmachus scarcely mentions public affairs save in so far as they impinged directly on his friends, or involved taxes on senators or endangered the corn supply of Rome.

The one subject on which he shows enthusiasm is the celebration of his son's quaestorian and praetorian games. They must not fall

below the standard expected of a great senator, and no expense and no trouble must be spared. Symmachus unmercifully pestered his wide circle of acquaintances with letters asking for their co-operation. He wrote to the great Stilicho, asking for leave to use the amphitheatre to accommodate the large audiences which he anticipated; to distribute presents of silk garments—recently forbidden as an unnecessary extravagance—and to give an aquatic theatrical display—probably a *maïuma*, again recently prohibited on moral grounds. He wrote to numerous friends who had estates and studs in Spain, asking them to assist his agents in buying the best Spanish race horses available. He secured warrants from the praetorian prefects for his agents to travel and to transport the horses by the public post. He asked proconsuls and vicars of Africa for antelopes and other wild beasts of the desert, and also for hunters to fight them in the arena. He had bears brought from Dalmatia; he managed to secure crocodiles, which he considered essential for a theatrical entertainment; he gratefully acknowledged a gift of seven Irish hounds from Flavian, the praetorian prefect; he thanked the emperor for a present of leopards. He asked his son-in-law, Nicomachus Flavianus, then prefect of the city, to send officials to Campania to round up a party of charioteers and actors last reported to have set sail from Sicily. Gladiators also figured on his programme: he had been promised some Saxon prisoners by the emperor, but when twenty-nine of them committed suicide before delivery, he abandoned his claim on this ‘gang more villainous than Spartacus’ and fell back on recruiting volunteers in the ordinary way.<sup>87</sup>

Sidonius’ letters are more interesting, for he has a gift for narration, and draws vivid pictures of his dinner with the Emperor Majorian and of the Visigothic court. But one would hardly guess from his letters—at any rate before he became a bishop—that the empire was fighting a desperate battle against the encroachments of the barbarians in Gaul.

Both Symmachus and Sidonius may in a sense be called frivolous. They passed their time in hunting, in reading, in corresponding with their large circle of friends and acquaintances and occasionally in writing *belles lettres*. But they were not vulgar pleasure seekers; they were men of culture, if not great scholars or profound thinkers. Not that such were lacking among the nobility. The group of great aristocrats depicted in Macrobius’ *Saturnalia* are men of scholarly tastes, deeply read in classical literature and repositories of a vast pedantic erudition. Many of the Anicii of the fifth and sixth centuries were serious scholars who edited classical texts, and one of them, Boethius, the great philosopher of his age.

Another great senator of less distinguished lineage, Cassiodorus, was justly famed for his encyclopaedic learning. The Roman senatorial nobility played their part in maintaining classical culture in an age of growing barbarism, but one may wonder if they thereby adequately compensated the empire for the huge proportion of its wealth which they absorbed.<sup>88</sup>



## CHAPTER XVI

### THE CIVIL SERVICE

THE later Roman empire was before all things a bureaucratic state. Civil servants played a vital role in all departments of government, in the drafting and circulation of laws and ordinances and the administration of justice, in the recruitment and supply of the armies, and above all in the operation of the vast and complicated fiscal machine. They issued writs, executed judgments and kept and filed the records of the courts. They drafted answers to petitions on every kind of question. They issued commissions to officers, enrolled recruits, regulated the distribution of rations, uniforms, arms and horses. They prepared the estimates of expenditure and computed the rates of taxation, maintained the registers of tax assessments, checked the payment of the revenue and demanded, and often exacted, arrears. Without its civil servants the whole complicated machine of government which held the vast empire together would have collapsed.

The civil service, like most other institutions of the later empire, had its root in the Principate. Under the Principate there were two basically different types of *officium* in the empire. Those offices which developed out of the emperor's personal household, that is, besides the domestic staff of the palace, the finance ministries and the central secretariats, and the financial staffs of the procurators in the provinces, were filled by imperial slaves and freedmen. On the other hand the praetorian and the urban prefects and proconsuls and legates were served by soldiers seconded from units under their command, or, if they had no troops under them, from the armies of neighbouring provinces. The standard *officium* of a legate comprised a centurion as *princeps officii*, six senior non-commissioned officers (three *cornicularii* and three *commentarienses*), twenty *speculatores* and sixty *beneficarii*, besides *stratores* and sundry minor grades, and a bodyguard of *equites* and *pedites singulares*. Proconsuls seem to have had similar staffs. Procurators also possessed, besides their servile financial staff, military *officia* to assist them in their judicial work; these were on a much more modest scale. The

praetorian prefect naturally had a larger *officium*, but it too was organised on the same lines.

During the second and third centuries the slave and freedmen staff became largely hereditary. The *fiscus* did not normally buy slaves, but employed its *vernae*, the sons of its slaves; manumission of imperial slaves, though a regular practice, seems usually to have been postponed till they had produced sons who, having been born in servitude, remained imperial property until they in turn were manumitted. The military *officia* tended at the same time to become increasingly divorced from the fighting troops. A soldier, once seconded for clerical duties, normally remained a clerk, and by the third century we find men who served in clerical posts from their recruitment.

By the latter part of the third century certain changes had taken place. In the central offices manned by freedmen and slaves an increasing number of senior posts were given to men of equestrian rank. The head of each ministry had since the early second century normally been an equestrian, but his chief assistant and others of yet lower grade often were so now. C. Caelius Saturninus in Diocletian's reign began his official career as an assistant (*adiutor*) in the department of *studia* at 60,000 sesterces, the lowest equestrian salary scale, was then transferred at the same salary to the department of *sacra consilia*, was promoted in this branch to 200,000 sesterces, and then became successively *magister libellorum* (probably at 300,000) and *magister studiorum*. In the second place, to deal with the new financial duties in connection with requisitions, the praetorian prefect built up a staff of military accountants (*tabularii* and *scriniarii*) in addition to his judicial staff of *cornicularii*, *commentarienses* and so forth, and legates (and no doubt proconsuls) also acquired an *officium rationum*. Finally the frequent doubling of the posts of procurator and legate or proconsul must have resulted in the amalgamation of the procurator's staff, with its small military *officium* of judicial clerks, and its larger slave and freedman *familia* of accountants, with that of the legate or proconsul, with its large judicial and rudimentary financial staff of military clerks.<sup>1</sup>

Diocletian appears to have standardised and simplified the *officia* without radically altering their structure and personnel. Imperial freedmen must still have been an important element in the civil service at the end of the reign, for the first edict against the Christians prescribed a special penalty, enslavement, for a class described in Eusebius' Greek by a phrase (*οἱ ἐν οἰκεταῖς*) which may be a translation of 'qui in familiis (Caesaris) sunt', and seems to correspond to the *Caesariani* of Valerian's edict against the

Christians. Later evidence suggests that not only the domestic staff of the palace, but the junior clerks in the central finance departments were still slaves and freedmen. The staffs of the diocesan *rationales* and *magistri*, like those of the old procurators, on which they were probably modelled, comprised some military grades (*beneficarii* and *stratores* are recorded) but mainly consisted of *Caesariani*. *Praesides* seem also to have inherited some *Caesariani* from the staffs of the provincial procurators whom they superseded; Eusebius mentions one Theodulus who belonged to the *familia praesidialis* of the governor of Palestine (τῆς ἡγεμονικῆς τυγχάνων οἰκετίας).<sup>2</sup>

In the military *officia* casual allusions in the laws and the authors, as well as papyri and inscriptions, show that the old second-century grades of *princeps*, *cornicularius*, *commentariensis*, *speculatores* and *beneficarii* survived in the fourth century, as did minor grades such as *stratores* and *singulares*, and the more recent financial *tabularii* and *scriniarii*. The Notitia Dignitatum shows a remarkably uniform structure for the *officia* of the praetorian and urban prefects, the *vicarii*, and all grades of provincial governor, the origins of which may well go back to Diocletian. After eliminating later accretions the following scheme can be reconstructed. Each *officium* was divided into three branches, the judicial, the financial and the sub-clerical grades—orderlies, ushers, messengers and the like. The judicial side consisted of the *princeps* (who was head of the whole *officium*), one *cornicularius* and one *commentariensis*, and *speculatores* and *beneficarii*. These latter grades are subsumed in the Notitia under the term *exceptores*, shorthand writers, a title which in the second century was given only to the personal assistants of the principal officials, but had by Constantine's reign become general for all inferior judicial clerks. The financial side consisted of *tabularii* with a staff of inferior clerks, *scriniarii*. These were military grades in the fourth century, and had apparently absorbed the slave and freedman accountants who still survived under Diocletian. Perhaps for that reason, and perhaps because the military grades were themselves of comparatively recent origin, the financial branch was regarded as inferior to the judicial, and its members were sometimes, even in the fourth century, deprived of their military status and made liable to torture.

Such was a typical provincial *officium*. The *officia* of vicars and prefects were naturally more elaborate. In the Notitia these have, in addition to the above-named officials, *curae epistolarum*. The praetorian prefect had several of these, one for each diocese which he controlled; they handled financial correspondence with the vicars, but belonged to the judicial branch, not being accountants

but letter writers; the vicars presumably had one each. The praetorian prefects in the Notitia also have *regendarii*, who controlled the post. Neither of these offices is attested before the Notitia, but the former at any rate probably goes back to the creation of the dioceses by Diocletian. *Duces* had *officia* similar to those of provincial governors, but with no *cornicularius*.<sup>3</sup>

Already in Diocletian's reign most civil servants ranked as soldiers, and Constantine seems to have completed the process by the grant of military privileges and status to the palatine offices which had hitherto been staffed with imperial slaves and freedmen. Here the only survival from the old régime, if indeed it was one, was the peculiar grading of the domestic servants of the palace (*castrensiarii*) and the junior clerks and technicians of the two finance departments (*largitionales* and *privatarii*). They held neither equestrian nor military titles, but were graded as *primae*, *secundae* and *tertiaae formae*: these were perhaps the classifications of the old servile establishments. The title *Caesarii* also survived to designate the officials of the *rationales* who replaced the old procurators.<sup>4</sup>

As a soldier a civil servant drew rations (*annona*) and, if he was graded as a trooper, fodder (*capitus*); these allowances were only commuted for gold in the early fifth century. He was also issued with uniform (*vestis*), and wore as his badge of office the military belt (*cingulum*). He was enlisted, like a soldier, by a *probatoria* and was entered on the strength of some fictive regiment. The clerks of the praetorian prefecture of the East were still in Justinian's day enrolled in Legio I Adiutrix, and the officials of provincial governors, the *cohortales*, were presumably so called because they were entered on the books of some cohort. Civil servants in many offices held military non-commissioned grades, survivals from the principate, long obsolete in the army of the day, rising to be *speculator*, *cornicularius* and *centurio princeps*, and finally on retirement *primipilus*; the *princeps* of the praetorian prefecture still in Justinian's day carried his centurion's baton.<sup>5</sup>

All this however meant very little in practice. A sharp distinction was drawn between service in the real army (*militia armata*) and in a government office (*militia officialis*). Civil servants were not soldiers, and on retirement did not rank as veterans, but received their own specific gratuities and privileges.

The most favoured offices were naturally those of the *comitatus*. Among these may first be mentioned a highly peculiar group, the

*cubicularii* of the sacred bedchamber of the emperor and empress. These were eunuchs, and, as such, almost necessarily imported barbarian slaves. We know of only two Roman citizens who served as *cubicularii*. The pretender Magnus Maximus broke with tradition and appointed as his first *praepositus sacri cubiculi* an elderly man of free birth. The experiment was shortlived: a year or two later a eunuch once again occupied the post. A certain Mamas from the village of Zomeri in the territory of Sebasteia, the metropolis of the province of Armenia I, had an accident in youth and had to be castrated for medical reasons. He took advantage of his disability to enrol himself as a *cubicularius* under Anastasius, and rose to be *praepositus*. The majority of the *cubicularii* came from Persia, Armenia or other Caucasian lands; under Justinian the main source of supply was the barbarous kingdom of the Abasgi. They were usually bought from dealers, but might come by gift from great nobles, who also had their staffs of eunuchs. By a law of Leo they were declared free persons on entering the imperial service.<sup>6</sup>

The organisation of the *cubiculum* varied from time to time. Sometimes there was a single establishment, sometimes the emperor and the empress, or other ladies of the imperial family, had their separate bedchambers; in those of the imperial ladies there were women of the bedchamber (*cubiculariae*), also of servile origin, as well as eunuchs. There were various posts in the bedchamber, or the several bedchambers, which were held by the *cubicularii*. Among the less important was the keeper of the wardrobe (*comes sacrae vestis*), first recorded in 412. The post of manager of the imperial estates in Cappadocia, which supplied the income of the bedchamber in the East (*comes domorum per Cappadociam*), was also filled from about 400 by a eunuch. More important were the captain of the bodyguard (*spatharius*), known from the time of Theodosius II, and the keeper of the privy purse (*sacellarius*), who first appears under Zeno. An older post was that of majordomo of the palace (*castrensis*), which is recorded as early as the reign of Constantius II. He is the only eunuch officer of whom a detailed account survives in our copy of the *Notitia Dignitatum*. He had under him two accountants (*tabularii*), one for the emperor's and one for the empress's expenses, an assistant (*adiutor*) and a secretary (*chartularius*) with a *scrinium* of clerks. Next above him ranked the senior eunuch (*primicerius sacri cubiculi*) and above him the superintendent of the sacred bedchamber (*praepositus sacri cubiculi*). The *praepositus* was selected by the emperor (or empress) and served during his (or her) pleasure; some enjoyed long terms of office. The *spatharius* and the *sacellarius* seem also to have held office during the emperor's pleasure; Chrysaphius was *spatharius*

for a long period and Narses was *sacellarius* for seven or eight years at least. The posts of *comes domorum*, *castrensis* and *primicerius*, on the other hand, went by seniority and were held for a fixed term, two years in Justinian's reign.<sup>7</sup>

Owing to the secluded state in which the emperor by tradition lived, his eunuchs, who alone had regular and familiar intercourse with him and controlled private and informal access to him by outsiders, at all times enjoyed considerable influence, and in some reigns were all-powerful. Constantius II was reported to be entirely in the hands of his eunuchs, and in particular of his notorious *praepositus*, Eusebius. The *praepositus* Eutropius was for a brief period the virtual head of the government in the reign of Arcadius and in the latter years of Theodosius II the *spatharius* Chrysaphius controlled affairs. But apart from such exceptional cases, where a strongminded eunuch dominated a weak emperor, the ordinary run of *cubicularii* had many opportunities of making their influence felt. Eutherius, Julian's *praepositus*, served as his envoy to Constantius, and endeavoured, vainly in the event, to reconcile the Augustus to his presumptuous Caesar. The fate of Ambrose's mission to Maximus seems to have been decided by the latter's *praepositus*, the eunuch Gallicanus, who refused him a private interview with the emperor, and insisted that he be received at a public consistory. Bishop Porphyrius was able to obtain an imperial order to close the temples of Gaza by securing the interest of the empress Eudoxia through the good offices of her *castrensis* Amantius, and Cyril, bishop of Alexandria, spent vast sums on winning the support of the *praepositi* and other eunuchs and ladies of the bedchamber of Theodosius II and Pulcheria. *Cubicularii* were also sometimes used for confidential missions in the provinces. Arsacius, a eunuch, accompanied the new prefect of Egypt, Philagrius, who was charged with installing Gregory as bishop of Alexandria in 340. In 343 Hesychius the *castrensis* was one of the two imperial commissioners sent with the Eastern group of bishops to the council of Sardica.<sup>8</sup>

Such influence naturally meant wealth. All who wished for a private audience with the emperor had to obtain it through the *cubicularii*, and gold often unlocked the door. Anyone who desired some favour would find it advisable to conciliate the goodwill of the eunuchs, and this was often obtainable for money. A powerful *praepositus* could virtually sell the great offices of state by auction. In the ordinary way it became customary, it would seem, for all recipients of offices to tip the staff of the bedchamber for forwarding their applications. Justinian, when he suppressed the sale of offices, authorised certain customary fees and amongst these were pay-

ments 'to the three chartularies of the sacred bedchamber', perhaps the secretaries of the *praepositus*, *primicerius* and *castrensis*, ranging from sixty-three solidi for appointment as *comes Orientis*, to nine for a provincial governorship.

The *cubicularii* had also unrivalled opportunities for petitioning for escheated or confiscated estates. Eusebius the *praepositus* is singled out by Ammianus as one of the leaders of the sinister group who played on Constantius II's fears of conspiracy and secured the estates of those who were victims of his suspicions. But apart from such exceptional cases *cubicularii* seem to have made a regular practice of petition. When Theodosius II enacted that petitioners must go halves with the treasury, this rule was soon relaxed in their case.<sup>9</sup>

Some great *praepositi*, such as Eutropius, acquired gigantic fortunes. Antiochus and Calapodius, *praepositi* of Theodosius II and Leo, seem to have left their estates to the Great Church of Constantinople. In the sixth century the management of their patrimonies required two *scrinia*, each manned by six clerks; fifty-four clerks sufficed to manage all the other lands of the church throughout Thrace, Asiana, Pontica and Oriens. The laws indicate that ordinary *cubicularii* normally retired as wealthy landowners. A constitution of Theodosius II enacts that the estates of all retired *cubicularii* should be exempt from *sordida munera*, and their houses, whether in the capital or in other cities, immune from billeting, even though they had retired before reaching the highest offices of *primicerius*, *castrensis* or *comes domorum*. John of Ephesus tells the story of a very pious eunuch named Theodore, who may be presumed not to have exploited his position unduly, and retired prematurely as *castrensis* owing to ill health. He was so lavish in his charitable gifts to the poor that within a year he had dissipated his entire fortune in gold, which amounted to 15 to 20 *centenaria* (about 125,000 solidi). In the next two years he disposed of all his silver plate and clothes, and freed all his slaves. He was thus reduced to beggary, but Justinian allocated him a pension of 1,000 solidi a year. The scale of the pension, which exceeds the salary of a provincial governor of *spectabilis* grade, is some indication of the standard of living enjoyed by *cubicularii*.<sup>10</sup>

The standing of the *cubicularii* is also reflected in the official rank which they acquired. The *praepositus* was in 422 raised to parity with the praetorian and urban prefects and the *magistri militum*; in the Notitia he is already *illustris*. The *primicerius* and *castrensis* rank as *spectabiles* in the Notitia and this dignity was later acquired by the lower officers, including the chartularies. Eunuchs

who reached the senior offices thus ranked as senators on retirement in the fifth century, and even when effective membership of the senate was restricted to *illustres*, retired *praepositi*, as laws of Zeno and Anastasius show, still became senators.<sup>11</sup>

It was a strange anomaly that barbarian slaves should become senators, and there was in the fourth century, in the West at any rate, a strong prejudice among the aristocracy against the *cubicularii*, who were habitually accused of unbounded avarice, and of unscrupulously making money by accepting bribes from those who desired access to the emperor, and, what was worse, of poisoning the emperor's mind with charges of treason against innocent men. Ammianus makes an elaborate apology for praising the one virtuous eunuch of whom he knew. 'The incident suggests that I should say a few words about this Eutherius, which will perhaps not be believed: for if Numa Pompilius or Socrates said any good thing about a eunuch, and swore to it on oath, they would be accused of straying from the truth.' Eutherius, he tells, was born of free status in Armenia, captured as a child by neighbouring enemies, castrated and sold to Roman merchants, who brought him to Constantine's palace. He educated himself as best he could, and displayed remarkable judgment and loyalty. Transferred to the service of Constans, he exercised his influence, but in vain, to keep him on the right track. Promoted to be Julian's *praepositus*, he had a healthily sobering influence on the enthusiastic young Caesar. He finally retired to Rome, where he long lived respected and liked by all ranks of society. Most *cubicularii*, Ammianus declares, retired into obscurity with their ill-gotten gains.<sup>12</sup>

Whether they deserved the opprobrium in which they were held it is hard to say: no doubt the real objection to them was that they were upstarts to whom men of birth and breeding had to defer in order to obtain what they considered to be their rights. Eutropius caused passionate indignation, in the West at any rate, by his ostentatious exhibition of his power, and above all by holding the consulate. This was too much for public opinion even in the East, it would seem, and he was the first and last eunuch *consul ordinarius*. In the fifth century, when the senior eunuchs regularly held the rank of senators, prejudice seems to have waned, and by Justinian's reign the extraordinary career of Narses, who, as *sacellarius* and later *praepositus*, commanded armies and finally became commander in chief and governor general of Italy, excited no adverse comment. He is one of the very few public men of Justinian's reign at whom Procopius throws no mud in the Secret History, and in the other historians of the day bears the character of an honourable man.<sup>13</sup>



The menial services of the palace were carried out by a staff known as *paedagogiani*, *ministeriales*, and *curae palatiorum*, or more commonly, as being in the charge of the *castrensis*, *castrensiანი*. They were not eunuchs—laws of Leo and Zeno allude to their wives. If the chief barber whom Julian summoned was typical, the senior ranks of the service were well paid—he received twenty *annonae* and twenty *capitus* and a large money salary, apart from perquisites obtained by petitions. We hear of another, a Persian named Mercurius, who rose from palace butler to *rationalis* under Constantius II, and another *castrensianus*, Hyperechius, was a friend of the pretender Procopius and was appointed by him to a military command. By the early fifth century there was evidently great pressure to enter the service, for a maximum number of established posts (*statuti*) had been fixed, and outside it was a long waiting list of supernumeraries. The establishment was divided into three grades—*forma prima*, *secunda* and *tertia*—and promotion was normally from grade to grade. But the supernumeraries were also graded, and thus it came about that when a vacancy occurred in the first grade of the establishment, a supernumerary of the first grade claimed it, and promotion from the second grade of the establishment was blocked. Theodosius II in 422 ruled that to obviate this anomaly vacancies in the first class should go alternately to *statuti* of the second class and supernumeraries of the first class, and similarly for vacancies in the second class. Anyone who tried to jump the queue by obtaining an established post without waiting his time, was to be punished by becoming the junior supernumerary of the third grade. By the sixth century, if not earlier, many of the posts must have been sinecures or have involved only part-time duties. Under Justinian we hear of a banker or money lender (*argentarius*) of Constantinople, who enjoyed the office of *castrensianus* of the sacred table. It is probable that by this date posts in the service were saleable: it is known at any rate that *argentarii* made a regular practice of investing their profits in saleable offices for themselves or their sons.<sup>14</sup>

A more distinguished corps which apparently was part of the palace staff were the thirty silentiaries and their three decurions, who served as ushers within the palace at meetings of the consistory. They are classed in a fourth-century law with the *ministeriales* and *paedagogiani*, and were still in the sixth century under the disposition of the *praepositus sacri cubiculi*. Like the *cubicularii* they were occasionally used for confidential missions: a decurion, Eusebius, was sent in 346 to Alexandria by Constantius II to remove from the files all documents prejudicial to Athanasius. In the fifth century we still find silentiaries performing important

missions, especially in ecclesiastical affairs. John, one of the decurions, was sent with a letter of Marcian to Alexandria after the Council of Chalcedon. Eustathius, the *primicerius* of the silentiaries, was charged by Theodosius II to decide an ecclesiastical dispute at Ephesus, and Magnus took part in the proceedings against Eutyches in the same reign.<sup>15</sup>

By the early fifth century the corps had achieved high official standing. By a law of 415 decurions on retirement ranked equally with retired *duces*, that is as *spectabiles*, and by 437 ordinary silentiaries, who retired after thirteen years' service, became senators. The privileges which they were accorded at this date suggest that they were men of property. By the sixth century decurions retired with the title of master of the offices or *comes domesticorum inter agentes*, thus ranking above all honorary *illustres*, and other silentiaries became honorary *illustres*. By this time the corps was highly fashionable: Gubazes, ex-king of the Lazi, was enrolled in it, and Paul the silentiary, who wrote the famous description of the church of St. Sophia, was a man of noble birth and great wealth.<sup>16</sup>

As early as the reign of Anastasius posts were purchased: in Justinian's reign a serving silentiary might sell the reversion to his place, and continue to serve and draw his salary, the purchaser ranking as a supernumerary silentiary, without pay, till the vendor retired. No silentiary rose to great eminence except Anastasius, who by winning the esteem of the empress Ariadne, whom he personally served (the empress had four silentiaries especially attached to her person), rose to be emperor.<sup>17</sup>

Turning from the domestic staff of the palace to the public offices of the *comitatus*, the pride of place was undoubtedly taken by the notaries, whose function was to serve as the secretariat of the consistory. Originally they seem to have been quite humble persons. Libanius always alludes to them contemptuously as clerks, men without literary culture, skilled only in shorthand, and cites cases of men who were sons of sausage makers, cloak-room attendants and manual workers. But owing to the confidential nature of their work, and their close proximity to the emperor's person, they rapidly rose in importance. Already under Constantine it was a notary, Marianus, who carried the emperor's invitation to the bishops assembled at Tyre to celebrate the dedication of the Church of the Holy Sepulchre. Under Constantius II we find them employed on a great variety of important missions,

diplomatic, administrative, ecclesiastical and military. In 353 Paulus was sent to Britain to round up supporters of Magnentius, in 354 Pentadius was entrusted with the execution of Gallus, in 355 Hilarius and Diogenius were sent to Alexandria to direct the installation of George as bishop. In 358 two, Spectatus and Procopius, were successively sent as envoys in two embassies to Sapor, the Persian king, and another, Gaudentius, was dispatched to Gaul to keep watch over the newly appointed Caesar, Julian: he was later sent to Africa to confirm its loyalty when Julian was proclaimed Augustus. Decentius was entrusted with the delicate task of demanding troops from Julian Caesar in 359, and conducting them to Constantius II. But, what was worse in the eyes of gentlemen of the old school like Libanius, several were promoted to be quaestor, master of the offices, proconsul of Asia and even praetorian prefect, and some held the supreme honour of the consulship.<sup>18</sup>

Under Julian, Jovian, Valentinian and Valens we find notaries performing similar tasks, and receiving similar promotion, but by this time the social composition of the corps had changed. As early as 358 we find Procopius, a relative of the future emperor Julian, serving as a notary; he was then 32 years of age and must have seen about ten years' service. It is significant that Jovian, the senior notary, was thought of as a possible rival to the emperor Jovian. In 371 we find Bassianus, son of one praetorian prefect and son-in-law of another, and in 374 Faustinus, nephew of a third praetorian prefect, serving in the corps, while Theodore, the second senior notary in 371, receives high praise from Ammianus, as a man of the highest culture and education and moreover sprung from an ancient noble family of Gaul.<sup>19</sup>

In 381 Gratian and Theodosius I issued laws defining and probably raising the status of the notaries. By Gratian's law the *primicerius* and *secundicerius*, the first and second on the list by seniority, ranked equal with proconsuls, the remaining tribunes and notaries were equated with vicars, and the lower grade of *domestici et notarii* with consulars: all were thus senators. Theodosius reserved equality with a proconsul to the *primicerius*, but distinguished *tribuni praetoriani et notarii* from the ordinary tribunes and notaries, giving them rank equivalent to the *comes Orientis* or *Aegypti*.<sup>20</sup>

It is not known how many notaries there were in the earlier part of the fourth century. Julian, if Libanius is to be believed, reduced their number to four. By 381, according to Libanius again, who is probably thinking of the Eastern parts only, they numbered 520. This suggests that the corps, as it grew more

fashionable, was acquiring many sinecure members. This had certainly happened in the West by the early fifth century. The poet Claudian, who was a tribune and notary, is not likely to have done much serious secretarial duty, nor are the various young nobles of the high Roman aristocracy who served in the corps, such as Petronius Maximus, who was tribune and notary at the age of 19, or Marcellinus, who presided over the Conference of Carthage in 411 when his brother Apringius was proconsul of Africa. By the middle of the fifth century there were apparently a large number of wealthy men who bore the title of tribune and notary in the Western parts, but only thirty who were in active attendance at court.<sup>21</sup>

The development seems to have been similar in the East. Praetorian tribunes and notaries are found conducting ecclesiastical negotiations like Marcellinus in the West. Aristolaus was entrusted with a series of missions of this character after the Council of Ephesus in 431, Damascius presided over the trial of Ibas at the Council of Tyre in 448, and Eulogius, together with Elpidius, a count of the consistory, was charged with maintaining order at the Council of Ephesus in 449. But the original clerical duties of the notaries seem already in 450 to have passed to *memoriales* or *agentes in rebus*, who served as 'secretaries of the divine consistory'. The number of absentee notaries grew, until Zeno ordered that 'those tribunes who, occupied with their own affairs, have not troubled to attend at the sacred palace', should be degraded by one year for each year's absence up to four, and for five or more years' absence should be struck off the active list, retaining, however, the title and privileges of tribunes and notaries. Even so promotion was slow in Justinian's day; according to John Lydus it took many years for tribunes to reach the end of their service. As the *primicerius* under Zeno's law held his post for two years, and thus each tribune only went up one rung in the ladder of seniority every other year, progress would have been slow even if there were only about thirty on the active list. The post of tribune and notary was by the early sixth century saleable: the retiring *advocati fisci* of the praetorian prefect of the East were entitled to free places for their sons.<sup>22</sup>

The *primicerius* of the notaries was an important official. He received from 425 the honorary codicils of master of the offices on retirement, with precedence as if he had actually held the post. He had charge of the *laterculum maius*, or 'notitia omnium dignitatum et administrationum tam civilium quam militarium': that is to say he maintained the list of all holders of higher offices, and probably issued their codicils of appointment. From this he

reaped a rich harvest of fees, according to Justinian's schedule 24 solidi from all provincial governors, and larger sums from the proconsul of Asia and *comes Orientis*. His assistant (*adiutor*), who was chosen from the corps, got more modest sums, 3 solidi in most cases. In the Eastern parts the *primicerius* also issued commissions to the tribunes of the *scholae*, the regiments of the field army, and many of the regiments of the *limitanei*; there was a *laterculum minus*, under the quaestor's charge, in which were entered appointments to the old auxiliary regiments of the *limitanei*, the cohorts and *alae*. In the fifth and sixth centuries the third senior (*tertiocerus*) of the notaries (the *secundicerius* had probably by this date a prescriptive right to the post of *adiutor*) also had special duties connected with the issue of privileges (*pragmaticae*). Both the *primicerius* and the *tertiocerus* had staffs of clerks, known from their duties as *laterculenses* and *pragmaticarii*, drawn not from the notaries, who were above such menial work, but from the *memoriales* and *agentes in rebus*.<sup>23</sup>

From the tribunes and notaries were drawn the referendaries, who served as the emperor's judicial clerks and messengers. The office first appears in 427 in the East, and existed in the Western empire also, whence it was taken over by the Ostrogothic kingdom. There were according to Peter the patrician only three established posts of referendary, two attached to the emperor and one to the empress, but a larger number held the title and performed the duties, drawing their salaries as *tribuni et notarii praetoriani*. Their number reached fourteen under Justinian, but he ordered that it should be reduced to eight.<sup>24</sup>

We now come to the group of officers controlled by the *magister officiorum*, and first to the *sacra scrinia*, the *memoriales*, *epistulares* and *libellenses*, who assisted the *magistri memoriae*, *epistularum* and *libellorum*, and also the quaestor of the sacred palace. They handled judicial petitions and *relationes* and drafted rescripts to them. By a law of Constantine they were charged with checking all the judicial records of provincial governors, which were sent up to the *comitatus* every six months. Those who served the quaestor acted as clerks in his high court of appeal, when he sat with the praetorian prefect. They also received general petitions of all kinds, including those for grants of imperial lands, and read out in the consistory the requests of provincial and diocesan delegations. By a law of 370 they received annual reports on all students at the university of Rome. They also received returns on the strength of military units from the *duces* and *magistri militum*; and progress reports on the corn supply of Rome from the *praefectus annonae* in Africa and other authorities concerned.<sup>25</sup>

Another important side of their work was the issue of *probatoriae*, or letters of appointment, to civil servants. This task was distributed in what appears to be a quite arbitrary way between the three *scrinia*. A law of Leo sets out a schedule. The *scrinium memoriae* issued *probatoriae* to the *agentes in rebus*, and the *palatini* of the *largitiones* and *res privata*; the *scrinium epistularum* to officials of the praetorian and urban prefects, proconsuls and vicars; the *scrinium libellorum* to officials of the *magistri militum* and *duces*, and to various minor palatine offices. The *scrinium memoriae* also issued commissions to the commanders of *alae* and *cohortes*, who were listed on the *laterculum minus* under the care of the quaestor. The senior of the quaestor's assistants, who was at the same time the third senior clerk of the *memoriales*, handled this business and was accordingly known as the *laterculensis*.<sup>26</sup>

The *scrinia* were relatively small bodies: Leo laid down an establishment of 62 for the *memoriales*, and 34 for the *epistulares* and *libellenses*. Promotion was strictly by seniority, each clerk (*exceptor*) rising step by step until he became *melloproximus* and finally *proximus*, the senior member of his *scrinium*. Promotion at first must have been slow as the *proximi* served three years. In 396 their term of office was reduced to two years in the East, and in 397 to one year in the West: in 416 the one year rule was also adopted in the East. Thus each clerk moved up one place a year. By the fifth century, however, if not earlier, an aspirant might have to wait many years as a supernumerary before he obtained an established post at all.<sup>27</sup>

By this time established posts were saleable, and Theodosius II in 444 laid down regular rules for their orderly sale. As the *proximus* of each *scrinium* retired each year, he could sell the vacancy thus created at the bottom of the list for the fixed price of 250 solidi to the senior supernumerary, and if he refused, to the next, and so on till a willing purchaser was found. Seniority among the supernumeraries was not fixed exactly by date of enrolment, for those who worked in the office might be moved up in the list at the discretion of the thirteen senior clerks over the heads of those who did not; sons of *proximi*, however, did not lose their seniority as supernumeraries, however idle they were. Occasional vacancies were also caused by the death of clerks during service: in these cases the heirs of the deceased clerk similarly sold the vacancy arising at the bottom of the list to the senior supernumerary at the fixed price of 250 solidi. Those who acquired an established post had also to pay to the *melloproximus* or *adiutor* an entrance fee of 20 or 15 solidi according to the custom of the *scrinium*.<sup>28</sup>

Further complications were caused by the service of the clerks

under the quaestor. Justin reaffirmed an old rule that the quaestor's assistants (*adiutores*) were to be limited to 12 *memoriales*, 7 *epistulares* and 7 *libellenses* and enacted that no one was to be promoted into this select group until its numbers had been reduced to these figures. Exceptions were, however, made in favour of the three senior assistants of the quaestor, who were the *laterculensis* from the *memoriales* and the *melloproximi* of the other two *scrinia*. These were allowed to nominate successors to themselves on the quaestor's staff when they returned as *melloproximus* and as *proximi* to their own *scrinia*. Later further concessions were made to aged assistants of the quaestor, who, if too infirm to perform their duties, were allowed to nominate substitutes. The result was that regular promotion was clogged and the privileged assistants sold their nominations for exorbitant prices. Justinian reaffirmed the old maximum of twenty-six *adiutores* and allowed them (or their heirs) to sell their places for the fixed sum of 100 solidi. The three seniors were, however, exempted from this restriction, and could sell to the highest bidder. Sons of deceased assistants enjoyed a preference, and five clerks who had done good work in compiling the Code and the Digest were also given preference, after the sons of assistants.<sup>29</sup>

The clerks of the *scrinia* must always have been men of education, since their duties included drafting imperial letters and rescripts, and, when they rose to be assistants of the quaestor, constitutions. Men of curial families seem often to have served. By a law of 362 fifteen years' service in the *scrinia* freed a man of curial origin from his obligations to his city, and this rule was re-enacted in 423. Even in Justinian's day *curiales* apparently entered the service, for he reaffirmed an old rule that *proximi* of curial origin secured immunity; with this exception length of service no longer gave exemption. It is probable that John Chrysostom's father, an official of the master of the soldiers of the East at Antioch, destined his brilliant son for a place in the *sacra scrinia*, and that he received a rhetorical education with that end in view. On the other hand in 410 Polychronius, a retired *cobortalis* from a provincial *officium*, who had insinuated himself into the *memoriales*, was expelled with ignominy, and *cobortales* were forbidden henceforth to aspire to the service.<sup>30</sup>

The clerks of the *scrinia* from the latter years of the fourth century were accorded high official standing. In 381 in the West and in 386 in the East the *proximi* were accorded the rank of vicars on retirement, and in the East in 396 all clerks achieved that of *consulares* on retiring after twenty years' service. In the West all the senior clerks, from *exceptores* to *melloproximi*, were graded as

*clarissimi* in 410. In 416 in the East the *proximi* were accorded during their period of office the rank of *comites* of the second class, instead of the third as hitherto, and in 444 received on retirement the honorary rank of *comes consistorii*.<sup>31</sup>

Members of the *scrinia* must have made a handsome income, not so much from their salaries as from fees, and also from what might more properly be described as bribes—for drafting and forwarding illegal petitions and similar services. They also by long service achieved a high official rank. It does not, however, seem to have been a highly fashionable service; it attracted men of the middle classes. And it was not a service for the ambitious. We never hear of a member of the *scrinia* who rose to the great offices of state.

Rather junior to the three *sacra scrinia*, and somewhat inferior, was the *scrinium dispositionum*. Its duties are nowhere described; it has been conjectured that it worked out the emperor's time-table. Its head, the *magister* or later *comes dispositionum*, ranked slightly below the *proximi* of the *sacra scrinia*. In the West he received the rank of vicar on retirement at the same time as the *proximi*, in the East he had to wait till 397, twelve years after the *proximi*. The other clerks of the *dispositiones* are not recorded to have enjoyed any rank comparable with those of the *sacra scrinia*.<sup>32</sup>

Closely attached to the master of the offices, and therefore known colloquially in Greek as 'the master's men' (*μαγιστρίανοί*) were the imperial couriers, the *schola* of the *agentes in rebus*. Reduced according to Libanius to seventeen by Julian, the corps numbered 'ten thousand' in 380. This is a manifest exaggeration: in the East the establishment was fixed in 430 at 1174, in addition to which there were supernumeraries. The *agentes* were graded as troopers (*equites*), *circitores*, *biarchi*, *centenarii* and *ducenarii*, the usual non-commissioned ranks of the army. The numbers in each grade were fixed by Leo at 450 *equites*, 300 *circitores*, 250 *biarchi*, 200 *centenarii*, and 48 *ducenarii*, making a total, enlarged since 430, of 1248.<sup>33</sup>

The primary duty of an *agens in rebus*, and that which occupied the earlier years of his service, was carrying dispatches. After this various more responsible posts were open to him, though in what order is uncertain. They apparently went out first as inspectors of the post (*curagendarii* or *curiosi*) to the provinces. It was their business to see that no one used the post without a warrant, or demanded facilities in excess of what his warrant entitled him to receive. They were also expected by Constantius II to send in reports on the state of the province. By a law of 357 two inspectors were sent to each province annually. In 395 the



number was reduced to one per province, but this limit was removed in 412. *Curiosi* were also posted at ports to control maritime traffic. The head of the inspectorate was the *curiosus praesentalis* at the court: he is probably identical with the *curiosus* of the city at Constantinople.<sup>34</sup>

There were other administrative posts at court held by *agentes in rebus*. The master's assistant (*adiutor*) was naturally a senior man: he had his deputy assistants (*subadiuvae*), and there were other *subadiuvae* who controlled the arms factories (*fabricae*) of each diocese and, in the East, the *barbaricarii* also.<sup>35</sup>

Finally, by a system which was certainly in operation under Constantius II, *agentes in rebus* were on retirement sent out to serve as *principes* in the offices of the praetorian and urban prefects, the proconsuls of Africa and Achaëa, the *comes Orientis*, the Augustal prefect, and all vicars. In the Eastern parts they were also sent to certain military offices, those of the *comes* of Egypt and of the *duces* on the Eastern frontier. One or two years' service as *principes* concluded their career. The *principes* of the prefects, who were apparently known as *principes agentium in rebus*, received very high honours on retirement: in 410 they were rewarded with proconsular rank, to which in 444 was added a *comitiva primi ordinis*. Those who achieved only the *principatus ducenae* in the lesser offices did not lag far behind. From 386 they retired with the rank of *consularis*, and from 426 with that of vicars.<sup>36</sup>

As in the other offices promotion was by seniority, modified by diligence. The emperor in 380 reserved the right to make two additional promotions annually in each grade, besides those which arose by death or retirement in the regular course. Apart from this he promised to refrain from interfering in the normal course of promotion. The corps itself had a considerable voice in this matter. The master's assistant, who probably made the detailed arrangements, was appointed on the recommendation of the whole corps, which also testified to the diligence of its members when they were considered for a rise in rank.<sup>37</sup>

In the fourth century promotion does not seem to have been unduly slow, and an *agens in rebus*, having completed his *principatus*, was still young enough to go on to higher things. Flavius Arpagius, who had been assistant to the master, went on to become a tribune and notary. Gaudentius, who was serving as an *agens in rebus*, probably a *curiosus*, in 354, was by 358 a notary. Laws of 380 and 403 suggest that it was not uncommon for *ex-principes* of the school to be promoted to provincial governorships. In the fifth century promotion seems to have become slower. Theodore deposed at the Council of Chalcedon: 'I had served for

twenty-two years, more or less, in the school of the devoted *agentes in rebus*, and was expecting to be accorded the privileges of that great school,' when he was in 431 persuaded by Cyril, bishop of Alexandria, to throw up his career and take orders. In 417 *agentes in rebus* who despaired of finishing the course were allowed after twenty years' service to retire with the honorary rank of *princeps*: in 435 the qualifying period was raised to twenty-five years. By the reign of Leo *agentes in rebus* who had reached the post of *subadiuva fabricae* were often so aged and infirm that they were authorised to perform their duties by deputy.<sup>38</sup>

In its early stages the career was probably not very profitable. If the pay was on the ordinary army scales, it would not have been considerable, and as couriers the *agentes* had apparently only one legitimate means of augmenting their income. It was customary for those who annually announced the consuls in the provinces, or carried the news of victories, to receive a gratuity; Libanius praised Aristophanes for his modesty in not seeking such lucrative missions when he served in the corps. A number of late fourth century laws enact that to provide such gratuities no forced levies must be made from the poor, but that only voluntary contributions may be raised from *honorati* and *curiales*. This suggests that the sums involved might be considerable; a law of Justinian limits them to six solidi per province.<sup>39</sup>

As *curiosi* their opportunities for enrichment were greater. By a law of 359 they were entitled to exact a fee of one solidus per carriage, presumably for inspecting the warrant. They no doubt made more by conniving at usurpation of postal facilities. When Melania was travelling with a large party from Jerusalem to Constantinople without a warrant, Messala, the *curiosus* at Tripolis, at first raised difficulties, but having received three solidi allowed the party to receive relays of beasts. When they had proceeded seven miles, he overtook them, and to the surprise of Melania's secretary, Gerontius (the narrator of the story), who had feared that he might have decided that three solidi was an inadequate gratuity in the circumstances, refunded the three solidi. Gerontius inferred that he was afraid he might be reported at headquarters for taking bribes. *Curiosi* seem rarely to have been so timorous, and are frequently denounced in the laws for extortion and blackmail.<sup>40</sup>

It was, however, as *principes* that *agentes in rebus* received their richest reward. As such it was their right, reaffirmed by many laws, to countersign (for a fee) every order issued in the office over which they presided. We possess no figures, but as the *cornicularius* of the praetorian prefecture of the East made close

on 2000 solidi in his year of office, the *princeps* may be presumed to have made considerably more.<sup>41</sup>

There was great competition to enter the corps. Applicants endeavoured to obtain a place by the interest of the great. A law of 396 allows to all the higher dignitaries, down to *comes* of the second class or urban tribune, and to the senior eunuchs, the right of making one nomination a year. Throughout the history of the corps many recruits were drawn from the curial order. A law of Constantine or Constantius II grants immunity from curial status for *agentes* who have served twenty years. Libanius records at length the story of Aristophanes, a leading decurion of Corinth, who enlisted in the corps in Constans' reign and was ultimately cashiered for some financial scandal, and elsewhere speaks in general terms of decurions who joined the *agentes in rebus*. By a law of 413 men of curial origin who reached the principate were freed from their obligations; an honorary principate did not count for this purpose. This rule still applied in Justinian's reign. Recruits also came from other offices. By a law of 405 the *primicerius* of the *mensores* was entitled to a place on completing his service. The *officium* of the vicar of Pontica claimed a place for its retiring *cornicularius* in 380, but without success. Even *cohortales* found their way into the corps, and by a law of Leo were like *curiales* freed from their hereditary condition if they achieved the principate. In this office as in others there was a tendency to establish a hereditary tenure. By a law of 396 *principes* were entitled to obtain places for their brothers and sons.<sup>42</sup>

The corps tended by the fifth century to be swelled by recruits who did no active service, but lived on permanent leave of absence in the provinces, earning their livelihood by acting as lessees or agents of the estates of great men, or even by trade. They joined the corps merely to obtain its jurisdictional privileges, which enabled them to defy the provincial courts, and even that of the praetorian prefect. From time to time—in 405, and again in 416 for instance—the corps was purged of such unworthy members, but the practice still continued under Leo.<sup>43</sup>

The *agentes in rebus* have achieved a rather sinister reputation as a kind of secret police. It is based on the activities of certain members of the corps who made themselves notorious in Constantius II's reign by ferreting out and denouncing treasonable plots, real and alleged. But they were by no means alone in exploiting that emperor's suspicious temper—several notaries gained as sinister a reputation—and there is no reason to believe that the *agentes in rebus* in normal times had any police functions except as inspectors of the post. They were a relatively humble

corps, not comparable with the notaries in social prestige or political influence, and none of them rose to eminence in the state.<sup>44</sup>

There were a number of minor offices at the disposition of the *magister officiorum* of which little is known. The *admissionales* introduced persons to the consistory. Their *magister* already ranked as a senator at the beginning of the fifth century. In the reign of Justinian this office—now called *comes admissionum*—was regularly bestowed on the senior decurion of the silentiaries and carried for him on retirement codicils of illustrious rank.<sup>45</sup>

The *lampadarii* presumably tended the lamps of the palace. By the middle of the fifth century this corps was evidently unduly swollen by many sinecurists. It was ordered that those who had been absent for two, three or four years should lose one, two or three places in seniority and that those who had been five years away should be struck off the list. To speed promotion it was further ordered that the senior *lampadarius*, the *primicerius* of the corps, should retire after a three years' tenure of the office.<sup>46</sup>

The *decani* apparently acted as doorkeepers, in both the public and private apartments of the palace, some being attached to the empress. They evidently did well in tips: when Porphyrius of Gaza and his companions had a private interview with the empress Eudoxia, she pressed upon them three handfuls of gold for their expenses, and they in turn gave nearly all they received to the *decani* at the doors. The four senior members of the corps retired every other year, after two years' tenure of the position. The *cancellarii* probably performed similar duties. The *cursores* presumably acted as messengers; some of these were attached to the empress.<sup>47</sup>

The *mensores* were the billeting officers of the *comitatus*: their relatively humble status is indicated by the fact that their *primicerius* was entitled on retirement to the junior vacancy in the *agentes in rebus*. In the fourth century, when the *comitatus* was frequently on the move, their duties must have been arduous, and even in the fifth they were apparently still busy men requisitioning quarters for dignitaries and officials in Constantinople. Their task was complicated by the privileges accorded to householders of high rank. By a law of 384 former praetorian and urban prefects, masters of the soldiers and counts of the consistory, with grand chamberlains, were allowed one house in the city free from billeting. In 427 this privilege was extended to all *illustres*, and in 435 former consuls were allowed two houses each, and former prefects, *magistri militum* and *praepositi cubiculi* one and a half. In 444 Theodosius II deprived honorary *illustres* of their privilege,

|                                       | <i>perfectissimi</i> | <i>ducenarii</i> | <i>centenarii</i> | <i>epistolares</i> | <i>forma I</i> | <i>forma II</i> | <i>forma III</i> | Total |
|---------------------------------------|----------------------|------------------|-------------------|--------------------|----------------|-----------------|------------------|-------|
| <i>scrinium exceptorum</i>            | 2                    | 2                | 1                 | 2                  | 36             | 4               | 3                | 50    |
| <i>scrinium numerorum</i>             | 1                    | 1                | 2                 | 2                  | 3              | 1               | 2                | 12    |
| <i>scrinium tabulariorum</i>          | 1                    | 1                | 1                 | 1                  | 3              | 5               | —                | 12    |
| <i>scrinium canonum</i>               | 1                    | 1                | 1                 | 2                  | 4              | 4               | —                | 13    |
| <i>scrinium mittendariorum</i>        | —                    | 1                | 5                 | 9                  | 7              | 33              | —                | 55    |
| <i>scrinium aureae massae</i>         | 2                    | 2                | 6                 | 4                  | —              | —               | —                | 14    |
| <i>aurifices specierum</i>            | 1                    | 3                | 6                 | 8                  | 18             | 4               | —                | 40    |
| <i>aurifices solidorum</i>            | —                    | 1                | 7                 | 6                  | 9              | 30              | —                | 53    |
| <i>sculptores et ceteri artifices</i> | —                    | —                | 1                 | 5                  | 6              | 18              | —                | 30    |
| <i>scrinium auri ad responsum</i>     | 3                    | 1                | 2                 | 3                  | 4              | 2               | 1                | 16    |
| <i>scrinium ad miliarensia</i>        | 1                    | 1                | —                 | —                  | 1              | 2               | 3                | 8     |
| <i>scrinium sacrae vestis</i>         | 2                    | 1                | 1                 | 2                  | 7              | 10              | 4                | 27    |
| <i>officiales sacrarum vestium</i>    | —                    | 3                | 2                 | 2                  | 7              | 10              | 9                | 33    |
| <i>deputati sacrae vestis</i>         | 2                    | 2                | 2                 | 2                  | 3              | —               | —                | 11    |
| <i>scrinium ab argento</i>            | 1                    | —                | 1                 | 1                  | 4              | 3               | 1                | 11    |
| <i>scrinium ad pecunias</i>           | 1                    | —                | —                 | —                  | 2              | 2               | 5                | 10    |
| <i>argentarii</i>                     | —                    | 1                | 2                 | 3                  | 8              | 25              | —                | 39    |
| <i>barbaricarii</i>                   | —                    | —                | 1                 | 2                  | 8              | 1               | —                | 12    |
| Total                                 | 18                   | 21               | 41                | 54                 | 130            | 154             | 28               | 446   |

while Marcian elaborately graded the immunities enjoyed by the high aristocracy, which ranged from three houses for a patrician to one for former *primicerii* of the notaries. Otherwise any householder might be called upon to surrender one third of his house, or, if his guest was of illustrious rank, half.<sup>48</sup>

The masters of the offices had finally a corps of 'interpreters of all nations' to translate for foreign envoys who came to the *comitatus* and for Roman envoys going to a foreign court. The only member of the corps known to history is Vigilans, who accompanied Maximinus on his embassy to Attila's court in 449, and was entrusted with the secret mission of procuring Attila's assassination.<sup>49</sup>

We are singularly well informed on the organisation of the *largitionales* owing to the survival of a schedule, attached to a law of Theodosius I dated 384, giving the detailed establishment of the office. The law with its schedule is reproduced in the Code of Justinian, and was therefore still valid in the sixth century. It may be tabulated as on the opposite page.

The officials, it will be seen, were grouped in eighteen *scrinia* or similar divisions. They were graded in seven classes, the highest of which were those of equestrian order, *perfectissimi*, *ducenarii*, and *centenarii*; the fourth grade of secretaries (*epistulares*) presumably represents the lowest equestrian rank, *egregii*. The three junior grades or *formae* probably were survivals of the classification of the slave and freedmen staff of the principate. Three-quarters of the staff belonged to the three *formae*, and only a quarter to the equestrian grades.<sup>50</sup>

An entrant was enrolled in one of the *scrinia*, and advanced by seniority within it until having served as *primiscriinius* he retired: no transfers from one *scrinium* to another were allowed. The rate of promotion was gradually speeded up. In 379 the term of the *primiscriinii* was reduced to three, in 396 to two, and in 416 to one year. Promotion was much more rapid in some *scrinia* than in others. The technicians, such as the *aurifices*, *sculptores* and *argentarii*, would even after 416 need 30, 40 or even 50 years' service (barring the premature death or retirement of their seniors) to finish their course, whereas in the majority of the administrative *scrinia* about a dozen years sufficed; promotion among the *mittendarii* was on a par with the other administrative branches, as among them the four seniors, the *ducenarius* and three *centenarii*, retired annually, and it therefore took only fourteen years at most to move up fifty-five places. Promotion must have been very slow among the *exceptores*, but was richly rewarded at the end. The fourth senior clerk (*quartoceriis*) dealt with petitions, the third (*tertioceriis*)

managed the transport service, the second (*secundicerius*) ranked as head of the *scrinium*, and the senior as *primicerius* of the whole *officium*. These four offices, no doubt, all brought in a large crop of fees to their aged occupants.<sup>51</sup>

Like the other palatine offices the *officium largitionum* attracted more recruits than it could profitably absorb, and tended to swell in numbers. In the East before the law of 384 Valens had laid down an establishment which was not to be exceeded, and in 395 an attempt was made to return to it. In 399 a drastic cut was made in the office, the established clerks (*statuti*) being reduced to 224. But 610 supernumeraries (who received no emoluments) were authorised and allocated to the several *scrinia*, so that it would appear that the object of the government was to economise by making use of the unpaid services of aspirants. Eventually the government reverted to the establishment of 384 with its 446 established officers. In the West the number of the office was fixed in 399 at 546 *statuti*, besides which there were supernumeraries.<sup>52</sup>

Recruits were drawn, as in the other palatine offices, from the curial order and from inferior offices, including those of provincial governors: men of humble status, members of the guilds of merchants and craftsmen, also aspired to the office. The rewards of retired *largitionales* were more modest than those of the other major palatine ministries. It was not until 408 that the *primicerii* were accorded the lowest grade of senatorial rank, that of *consulares*, on retirement, and twenty years later they voluntarily renounced the honour, as being above their means: by way of compensation the *primicerius* of the whole office and three others were given the rank of praetorian military tribunes.<sup>53</sup>

We know much less of the *privatiani*. The *res privata* was a smaller office: in 399 its establishment was fixed in the West at 300, as against 546 for the *largitiones*. It was divided into five *scrinia*, and, as in the *largitiones*, movement from one to another was forbidden: in particular those who had completed their service in one of the lesser *scrinia* were debarred from joining the *exceptores*, whose *primicerius* ranked as head of the whole office. They also lagged behind the *largitionales* in privilege. The five *primicerii* did not receive the rank of *consularis* on retirement until 425, seventeen years later than the *largitionales*, and like them they renounced it in 428. A few years later they too were compensated by the grant of the rank of praetorian military tribune to the *primicerius* of the whole office and three others.<sup>54</sup>

In general it would appear that the two financial offices were the least lucrative of the major palatine services. The officials

who were sent out from both to the provinces as *canonicarii* were frequently accused of extortion, and no doubt with justice. *Privatiani* had opportunities of corruption, which they did not neglect, in the petitions for imperial lands which passed through their hands. But there is no evidence that posts in the two financial offices commanded a price, and the voluntary renunciation of senatorial rank by the retiring *primicerii* shows that officials ended their careers as relatively poor men compared with the clerks of the *sacra scrinia* and the *agentes in rebus*.

All members of the major palatine ministries enjoyed, both during their working career and in retirement, a variety of immunities from burdensome administrative charges, from vexations such as billeting, and from sundry fiscal surcharges. They also enjoyed *praescriptio fori* in varying degrees, at Constantinople or in the provinces, for themselves only or also for their families and dependants. *Palatini* could be sued or prosecuted only before the *comites sacrarum largitionum* or *rei privatae*. The other major offices, by a series of laws dating from Theodosius II to Anastasius, came under the jurisdiction of the master of the offices: they included not only the ministries which were under his disposition—the *agentes in rebus*, the *sacra scrinia* and the *decani*—but those of the bedchamber—the *cubicularii*, silentiaries and *castrensiarii*.<sup>55</sup>

In the palatine ministries numbers tended to be so swollen, and promotion accordingly so slow, that prudent parents enrolled their sons as infants. This practice was condemned by a law of 394 addressed to the master of the offices: 'we have ordered that all those who began to serve as infants or children shall be degraded to the lowest rank, so that they may commence to claim a place for themselves from the time where they begin to obey orders. Thus they will obtain promotion in the service by the recommendation of their work.' Libanius wrote to Anatolius, the praetorian prefect, to urge the cause of his doctor Marcellus. His sons had been enrolled as soon as they had been weaned in the corps commanded by Musonius, probably the master of the offices of 356. Now Musonius had summoned them to present themselves, though they were far too young to leave their homes, and Libanius feared that they might be struck off the roll.<sup>56</sup>

Outside the *comitatus* the most important offices were those of the praetorian prefects. We possess detailed information only about the prefectures of Italy and the East in the early sixth century, thanks mainly to Cassiodorus, who has preserved in the *Variae*



his official correspondence as praetorian prefect, and to John Lydus, who after his retirement from the office of the Oriental prefecture wrote a long, if highly confused, description of its organisation. We also possess a complete list of the establishment of the prefecture of Africa which Justinian created after the reconquest. But though our information is mainly limited to this late period and to two only of the old prefectures, the *Notitia Dignitatum* shows that all four offices were basically similar at the beginning of the fifth century, and casual references in the earlier laws of the Theodosian Code suggest that in the middle of the fourth century their organisation was already on the same lines as in the sixth.<sup>57</sup>

The office was sharply divided into two branches, the judicial and administrative, and the financial. At the head of the judicial side stood the *princeps*, who from the middle of the fourth century was not drawn from the *officium*, but was a senior *agens in rebus*. The highest official who strictly belonged to the *officium* was the *cornicularius*. His immediate junior was, down to the latter part of the fourth century, the *commentariensis*. Towards the end of the fourth century the assistant (*adiutor*) of the *princeps*, or, as he was also known, the head of his bureau (*primiscrinius*), was given independent status, and placed between the *cornicularius* and the *commentariensis*. At about the same period a fifth official, the *ab actis*, was created: he had hitherto probably been a subordinate of the *commentariensis*. The duties of the two senior officials are ill-defined. The *commentariensis* was concerned with criminal trials, had custody of prisoners, and disposed of a staff of torturers. The *ab actis* dealt with civil cases and was responsible for judicial records, keeping a day book (*cottidianum*) of the proceedings of the prefect's court, and also an index of cases under the names of the litigants (*personale*). The *primiscrinius* nominated *executores* to enforce judgments and other orders of the court. Below these officials came the *curae epistolarum*, who conducted the financial correspondence (*epistulae canonicae*) with the vicars of the several dioceses into which the prefecture was divided, and below them the *regendarius*, who controlled the issue of postal warrants (*evectiones*). Each of these principal officers (except the *princeps*) had three assistants (*adiutores*) and they in turn had their clerks (*chartularii*).<sup>58</sup>

Below the principal officers came the mass of the shorthand writers (*exceptores*). These were apparently still in the fourth century graded, as in the Principate, under the military ranks of *speculatores* and *beneficiarii*. This distinction later lapsed. Instead the thirty senior clerks formed a special group, the *Augustales*, within which the fifteen seniors formed a more select group known

as the *deputati*. This system was common to the Oriental and Italian prefectures in the sixth century, and the *deputati* can be traced back to the year 365.<sup>59</sup>

The ladder of promotion is an obscure and complicated problem, and we know little of it save in the Oriental prefecture. A new-comer to the office probably ranked at first as a supernumerary. He was assigned by the prefect, according to his own preference, to the department of one of the principal officials, and presumably did odd jobs on a casual basis for his chief. After this probationary period he was enrolled in one of the fifteen *scholae* into which the established *exceptores* were divided, and worked his way up the roll of his *schola* as his seniors were promoted, retired or died. He was now eligible for the post of *chartularius*. John Lydus, thanks to being the personal protégé of the praetorian prefect Zoticus, seems to have omitted the probationary stage, and was in his very first year chosen by the *adiutores* of the *ab actis* and given by them a salary of 24 solidi for his services for the year. But this, as John says, was unprecedented; his two fellow *chartularii* were aged clerks, and they not only served gratis but had paid considerable sums for their posts. An *exceptor* might serve several annual turns as *chartularius* in different departments; a few years later John was *chartularius* in the *scrinium* of the *commentariensis*. After nine years' service an *exceptor* became eligible for selection as *adiutor* by one of the lesser principal officers, below the rank of *ab actis*. Having served as *adiutor* he had a choice. He might be enrolled in the *Augustales*, and thus qualify for selection as *adiutor* by the *ab actis* and higher officers. Having worked his way up to *primicerius Augustalium* and then *primicerius deputatorum* he would then hold all the principal posts for a year in turn from *cura epistularum* of the junior diocese upwards, eventually (if he survived) becoming *cornicularius*. Alternatively he might remain on the roll of the ordinary *exceptores*, and when he had reached the top work his way through the principal posts, ending with that of *primiscrinus*.<sup>60</sup>

In the Oriental prefecture a double ladder of promotion was provided for the *Augustales* and the ordinary *exceptores* by duplicating all the posts save that of *cornicularius*, which was reserved for the *Augustales*. In the prefectures of Italy and Illyricum a *cornicularius* and a *primiscrinus* both retired annually as in the Oriental prefecture, but the posts were not duplicated. In the Italian office at any rate (we have no detailed information about Illyricum) the offices were divided into two series, the *Augustales* passing through those of *regendarius* and *commentariensis* to that of *cornicularius*, while ordinary *exceptores* became successively *scrini-*

*arius curae militaris* (an office unknown to the East), *cura epistularum*, *ab actis* and finally *primiscripius*. Promotion through the *schola Augustalium* was according to John Lydus more rapid than by the other route, but he himself, despite his flying start, took forty years and four months to achieve the post of *cornicularius*. It is not then surprising that the senior officials were often so infirm that their work was left, as John explains, to their assistants.<sup>61</sup>

John regarded the financial side of the office with contempt mingled with jealousy. The financial officials, he repeatedly asserts, were not originally members of the *officium* at all. They had only achieved the honour of receiving *probatoria* by the injudicious liberality of Theodosius I, they did not figure on the old establishment lists (*matrices*) of the *officium*, they still had no place in the procession of officials who attended the prefect on various ceremonial occasions. There is this much truth in these strictures that Julian deprived the *numerarii* of their military status, in order to make them liable to torture in case of suspected fraud, but this measure was revoked by Valentinian only two years later.<sup>62</sup>

The financial side was divided into *scrinia*, each headed by a *numerarius*, in the Oriental prefecture by two *numerarii*. There was one *scrinium* for each diocese, one for public works throughout the prefecture, one for the chest (*arca*)—in the Oriental prefecture two, for the general and special banks of the chest—one for military expenditure, that is the payments of *annonae* and *capitus*, and one for armaments, which dealt with the supply of raw materials to the state factories. The Oriental prefecture also had a *scrinium* of the city (Constantinople). The *numerarii* were appointed by seniority from the clerks (*scriniarii*) of each *scrinium*, and served originally five years, reduced by 433 to three. They had assistants (*adiutores*) and secretaries (*chartularii*), selected by themselves from the body of the clerks in their *scrinia*. The assistants and secretaries served for a year and no *scriniarius* might serve as secretary more than four times, with a year's interval between each appointment, nor as assistant more than four times, with a two years' interval. No *scriniarius* who had once accepted an assistantship could revert to a secretary's post. In the Oriental prefecture the choice of assistants in the first ranking *scrinia* of Oriens and Asiana was limited to the thirty and fifty senior *scriniarii* respectively. There were also *tractatores* who handled the accounts of the individual provinces. *Scriniarii* were furthermore sent out annually to the provinces as *canonicarii* or deputy *tractatores* to supervise the collection of the revenue, and, when the need arose, as *compulsores* to extract arrears, or as auditors (*discussores*, *λογοθέται*) of public works, military accounts and so forth.<sup>63</sup>



| Subclerical grades           | Salary grades in solidi |    |    |    |     |     |    | Total of staff |
|------------------------------|-------------------------|----|----|----|-----|-----|----|----------------|
|                              | 46                      | 23 | 16 | 14 | 11½ | 9   | 7  |                |
| <i>schola singulariorum</i>  | —                       | —  | —  | 1  | 3   | 46  | —  | 50             |
| <i>schola mittendariorum</i> | —                       | —  | —  | 1  | 3   | 46  | —  | 50             |
| <i>schola cursorum</i>       | —                       | —  | —  | 1  | 3   | 26  | —  | 30             |
| <i>schola nomenclatorum</i>  | —                       | —  | 1  | —  | —   | 11  | —  | 12             |
| <i>schola stratorum</i>      | —                       | —  | —  | 1  | —   | 5   | —  | 6              |
| <i>schola praeconum</i>      | —                       | —  | 1  | —  | —   | 9   | —  | 10             |
| <i>schola draconariorum</i>  | —                       | —  | 1  | —  | —   | 9   | —  | 10             |
| Total                        |                         |    |    |    |     |     |    | 168            |
| Totals                       | 4                       | 12 | 17 | 15 | 52  | 280 | 16 | 396            |

It will be noted that three-quarters of the staff drew only a trooper's pay (one *annona* and one *capitus*) or less, and that most of the rest got no more than junior non-commissioned officers. It was not on these modest salaries that *praefectiani* lived. The major part of their income was derived from fees (*sportulae*) of various kinds. The clerks on the judicial side received from litigants fees for issuing and serving writs, drawing up statements of claims and rebuttals, making copies of court proceedings, and executing judgments: in the high court of the prefect they were considerable—a statement of claim cost 37 solidi. By such activities in addition to his salary of 24 solidi as *chartularius* and his basic pay of 9 solidi as *exceptor*, John in his first year in the office netted no less than 1000 solidi. In this he was lucky: the average junior clerk, lacking the prefect's patronage, would have received much less work. But an *adiutor* could count on making his 1000 solidi during his year of office. Naturally it was the seniors who absorbed the lion's share of the fees. The *cornicularius*, John tells us, could count on a round 1000 solidi from the *completiones*, and also received a pound of gold per month (or 864 solidi a year) from the *princeps* as compensation for sundry fees which the latter had taken over. Retiring officers received a substantial bonus. In the prefecture of Italy the *cornicularius* was issued with a draft on the revenues of the province of Samnium of 700 solidi; the similar *delegatoriae* issued to the *princeps* and *primiscrinii* omit the figure. On the financial side the *scriniarii* received a *sportula* on all revenue collected; this in the West under Majorian apparently amounted to 1 solidus 8½ *siliquae* per *ingum*, but in the East under Anastasius was only a fraction of a *siliqua*. The *scriniarii* who were sent out to the

provinces also made great profits, licit and illicit, from collecting arrears and auditing accounts.<sup>66</sup>

Service in the office of the praetorian prefecture was attractive to men of the middle class, *curiales* and *cohortales*; by an early law *curiales* gained immunity from their hereditary status by twenty years' service, but this privilege was not maintained. It ranked lower than the palatine services. John Lydus, it is true, who originally intended to join the *memoriales*, preferred to enter the prefecture, but this was due to the persuasion of Zoticus, the praetorian prefect, who was a fellow townsman and promised him an immediate place. The pressure of applicants for places does not seem to have been heavy. Viventius, prefect of the Gauls, was congratulated in 369 for having carried out a drastic purge of his office, but we hear of no vast waiting list of supernumeraries as in the palatine offices. The rank accorded to retiring *praefectiani* was relatively modest. In the fourth century the *cornicularius* and the *numerarii* were entitled to 'adore the sacred purple', that is be enrolled as *protectores et domestici*. By the end of the fifth they, and the *primiscripius*, were accorded the rank of praetorian tribunes, to which Anastasius added the dignity of count of the first class, which probably made them *spectabiles*. In the Ostrogothic kingdom also they retired as *spectabiles*, with the title of tribunes and notaries. The only *praefectiani* who are known to have achieved celebrity are Polycarp and Marinus, who from being *scriniarii* rose to be praetorian prefects of the East under Anastasius, and Peter Barsymes, who was promoted to the same office by Justinian.<sup>67</sup>

The description given above of the office of the praetorian prefecture applies almost exactly to that of the urban prefecture—of Rome, at any rate; for Constantinople information is lacking. In the Roman office there were in addition to the staff already enumerated the *censuales* who kept the financial records of senators and collected certain of their special taxes. The offices of vicars (including the Augustal prefect of Egypt and the *comes Orientis*) were organised on very similar lines. Vicars did not have a *regendarius*, as they had no power to issue postal warrants, and had one *cura epistolarum* only and two *numerarii*. The office of the *comes Orientis* was anomalous in two ways, lacking a *cura epistolarum* and possessing an *a libellis*: this was perhaps because the *comes*, who replaced the *vicarius Orientis*, originally had no financial functions but received petitions from aggrieved provincials. His office was exceptionally large, numbering 600. Vicars in general had 300,

except for Asiana, where the figure was only 200. The Augustal prefect under Justinian had an *officium* of 600 members, but this was a double office, combined with that of the *comes Aegypti*. The offices of proconsuls show minor variations. They had no *cura epistolarum* or *regendarius*, but those of Asia and Achaëa had an *a libellis*. The proconsul of Africa had a large *officium*, 400 men; the size of the other offices is unknown.<sup>68</sup>

We have only one clue to the pay of the officials of this class. If our text is correct, the 600 clerks of the Augustal prefect had to share 1,000 solidi under Justinian's edict, and the office had, he states, previously—presumably before it was doubled in size by amalgamation with the office of the *comes Aegypti*—only received a third of that sum. The figure is only credible on the assumption that the office of the Augustal prefect, which had once been an ordinary provincial *officium* of about 100 clerks, had never had its allocation raised when it grew in size.<sup>69</sup>

In all these offices, save that of the proconsul of Asia, the *princeps* was drawn from the *agentes in rebus*. It would appear from a law of 385 that in the West the retiring *cornicularii* of vicars were allowed to 'adore the sacred purple' as *protectores et domestici*, but in the East they gained no privilege. In 380 the *officium* of the vicar of Pontica claimed for its *cornicularii* a place in the *agentes in rebus*, but the government refused, stating that on the contrary the *cornicularii* of all vicars were obliged on retirement to undertake certain expensive duties at Constantinople, while that of the *comes Orientis* was charged with the care of the herds of camels, presumably those levied for the postal service. These offices, despite their lack of privilege, attracted recruits from the city councils and the provincial offices, as well as from the city guilds: entry was controlled by the issue of *probatoriae* from the *scrinium epistularum*.<sup>70</sup>

Basically similar again were the offices of the ordinary provincial governors, the *consulares*, *correctores* and *praesides*. These too had a judicial side, originally headed by a *princeps*, a *cornicularius* and a *commentariensis*, to whom were later added an *adiutor*, an *ab actis*, and, in the East, an *a libellis*; they had their staffs of *exceptores*, and their subclerical grades, such as *singulares*, *draconarii*, *cursores*, *praecones* and *stratores*. In most provincial offices the *principes* were promoted from within the *officium*. In the West (presumably in Italy) some by a law of Constantine received their *princeps* from the *officium* of the urban prefect. Later, it would seem, the praetorian prefect of Italy usurped this privilege. It was confirmed to the urban prefecture by Valentinian I and by Gratian, but eventually the praetorian prefect won the day. In the *Notitia Dignitatum consulares* (in Italy) receive their *principes* from his office.<sup>71</sup>

On the financial side the provincial offices had their *scriniarii*, headed by officers originally known as *tabularii*, who before the end of Constantine's reign had usurped the title of *numerarii*, but in 365 were ordered to revert to their old style: the title *numerarii* had none the less crept back in the East before the Notitia Dignitatum was drawn up. They were by a law of 334 made liable to torture if suspected of fraud, and in 363 deprived of their military status; when they recovered it is unknown. They served for terms varying from two to five years, and from 382 numbered two, one for the *largitiones* and the other for the prefect's department.<sup>72</sup>

By a law of Arcadius provincial offices in Illyricum were limited to 100, and this figure seems to have been usual still in the sixth century. Justinian's praetors of Pisidia, Lycaonia, Paphlagonia and Thrace and his moderator of Helenopontus had offices of 100 members. The scale of pay in provincial offices seems to have been miserable. The *officia* of Helenopontus and Paphlagonia were allotted 447½ solidi, or an average of 4½ solidi per man, the others only 360 solidi, or between 3 and 4 solidi each. In Africa the *officia* of *consulares* under Justinian fared even worse, receiving 160 solidi; but these offices may have been smaller. These figures suggest that *cohortales* were graded as infantry privates, drawing one *annona* only, and that the lower grades must have been even worse paid. Officials did not, of course, live on their pay, but, like the *praefectiani*, made most of their income from judicial fees, which were naturally in the provincial courts on a more modest scale than in the high court, and from the perquisites of revenue collection: in the West by a law of Majorian the provincial *officium* shared with the curial collectors a commission of 20 *siliquae* per *iugum*, but in the East the rate was only a small fraction of one *siliqua*.<sup>73</sup>

Provincial officials were known as a class as *cohortales* or *cohortalini* and formed a hereditary caste, for against them alone was enforced Constantine's law that sons should succeed their fathers in their offices. Against them it was enforced with ever-increasing severity. The reason for the rule seems to have been not that the provincial offices were in danger of being understaffed, but that *cohortales* on retirement as *primipilares* had to undertake the heavy financial burden of the *pastus primipili* or the *exhibitio cursus publici*. For this purpose it was necessary that *cohortales* of sufficient means should be retained in the service, together with their sons who inherited their property. This is most clearly demonstrated by a law of 361 which enacts that *beneficiarii* or financial officials who have entered holy orders to evade the *primipili pastus* or *exhibitio cursus* are to be reclaimed like *curiales*, or like them must cede two-thirds of their property to their sons, or failing them to other



relatives, or failing these to the *officium* itself. The estates of *cohortales* who died intestate without heirs also went to their colleagues, as did those of a decurion to his *curia* in similar circumstances. The financial importance of the primipilate is also demonstrated by the rule laid down in 389 that provincial officials who had reached the grade of *speculatores* or *ordinarii* must proceed to the end of their service and perform the *pastus*, or if permitted to retire owing to advanced age or infirmity must make a corresponding financial contribution.<sup>74</sup>

Prosperous and ambitious *cohortalini* naturally resented a rule which debarred themselves and their sons from seeking a more lucrative or dignified career, and constantly tried to evade it, often it would seem with success. They and their sons obtained places in the palatine offices, or those of praetorian prefects and other illustrious dignities. They took orders, and sometimes rose to be bishops. They were called to the bar, even of the high court of the praetorian prefecture. Some even obtained provincial governments or other dignities, and may have reached the senate. From the beginning of the fifth century the laws against such leakage became ever more frequent and more stringent. Only by a special imperial licence might they be transferred to another service, and by laws of Theodosius II and Leo even such special grants were declared invalid. The leakage nevertheless continued, and was in some cases legally condoned. Like *curiales*, *cohortalini* who reached certain privileged positions, such as *advocatus fisci* of the praetorian or urban prefectures or *princeps* of the *agentes in rebus*, were formally freed from their status.<sup>75</sup>

The provincial offices offered a sufficiently attractive career to secure recruits from the city councils, probably the humbler decurions. Decurions also, strange as it may seem, served in the provincial offices as *exceptores* without established posts and without pay—that is for the fees only—and were permitted to do so provided that they claimed no exemption from their curial duties. Other recruits were of a humbler kind. Veterans' sons enrolled themselves to avoid military service. Superior merchants and shopkeepers, jewellers, clothiers and the like, aspired to places; the offices were by a law of Theodosius II purged of such dross.<sup>76</sup>

The standard of wealth of *cohortalini* naturally varied greatly according to the grade of the service which they occupied, and the importance of the province. A law of 393 permitted even those who had no property to be enrolled in the office of the poverty-stricken province of Tripolitania, presumably in subclerical grades. The will of Flavius Pousi, a member of the *schola cursorum* in the provincial office of Arcadia, shows that he was a poor man. He

owned only his house, which he left half to the church, a quarter to his wife, and a quarter to another woman; his furniture, which went to his wife; and his clothes, of which a third went to the second woman, and the remaining two-thirds to two colleagues: half his outstanding pay was to cover the costs of his funeral, and half to go to his wife. On the other hand another subclerical officer, a retired *praeco* of the *officium* of the Thebaid, owned  $143\frac{1}{2}$  *arurae* of land in the territory of Hermopolis. The same register shows three *beneficarii* of the office holding 74,  $58\frac{1}{2}$  and 40 *arurae*, and an *ab actis* 54, while six *primipilares* own 56, 59, 76, 116,  $179\frac{1}{2}$  and 29 *arurae*. These officials may well have owned other land in Antinopolis, where they lived and worked. A *primipilaris* might well be rich enough to enrol a son in the *curia* of his city, and this though he had several sons between whom he had to divide his inheritance.<sup>77</sup>

We happen to possess a group of papers belonging to Flavius Isidore, an official (sometimes described as *beneficiarius*) of the provincial office of the Thebaid, apparently on the financial side, whose career fell in the reign of Valens. Most are official papers—letters of the governor of the Thebaid recording the appointment of Isidore as *discussor* in the Great Oasis, a letter of a decurion of the Great Oasis, stating that he has placed a financial defaulter's heirs in Isidore's custody, receipts for *aurum tironicum* paid to the provincial treasury, acknowledgments of orders received from Isidore by various collectors of the clothing levy at Panopolis, and so forth.<sup>78</sup>

The most interesting of the official documents are two drafts of a petition to Valens. It appears that Isidore had been sent to the *comitatus* with 238 solidi to deliver to the receiver of the *aurum tironicum*. He had paid over and got a receipt for 61, and was instructed to take back the rest to be refunded to the taxpayers, as the tax had been reduced to ten solidi per man. But he was, as he alleged, and as he declared Zenagenes the *defensor* and other members of a delegation from the province would testify, robbed of the remaining 177 solidi. On a complaint of the decurions of Hermopolis the governor made him refund seventy-two solidi, and he begs that no further action be taken. Besides the official documents there are also private documents which showed that Isidore was a man of property. There are a series of leases of small parcels of land from him, and judicial papers concerning an inheritance suit in which he was concerned. The latest document (of 389) shows him in retirement on his lands, asking for the arrest of two shepherds, who have committed robbery with violence against him.<sup>79</sup>

The military offices of the *magistri militum*, *comites rei militaris* and *duces* were organised on the same basic pattern, somewhat simplified, as the civil offices of the prefects, vicars and provincial governors. They too had their judicial and financial sides, and their subclerical grades. The judicial side was headed by a *princeps*, followed by a *commentariensis*. In most offices there was no *cornicularius* and in the few in which he does appear he seems to be a later addition. This was presumably because the military courts were originally disciplinary only, and did not handle civil cases until later. In most offices there was an *adiutor* and also an official known in the West as a *regerendarius*, in the East as an *a libellis* or *subscribendarius*, who dealt with judicial petitions. There follows in some offices a deputy assistant (*subadiuva*), and in all the *exceptores*. On the financial side there are *numerarii*, usually two in number, who rank higher in precedence than in the civil offices, immediately after the *princeps*, followed by *primiscriinii* and *scriiniarii*. Of the subclerical grades only *singulares* are recorded: the office of the *magister militum per Orientem* had its own corps of billeting officers, *mensores*.<sup>80</sup>

The *princeps* of the *comes Aegypti* was a retired *ducenarius* of the *agentes in rebus*, and in the offices of all the *duces* along the Eastern frontier from Armenia to the Thebaid the *princeps* was also drawn from the *agentes in rebus*, but was perhaps of lower grade. Along the Danube, on the other hand, from Pannonia I down to Scythia, the *principes* were drawn from within the office: those in the Eastern parts are stated to have 'adored the purple' as *protectores* on retirement. Everywhere else in the West (except in Belgica II) the Notitia records an extraordinary degree of centralisation, due probably to Stilicho. Not only the *princeps* but the *commentariensis* and both *numerarii* were drawn annually from the offices of the *magistri peditum* and *equitum praesentales*.<sup>81</sup>

In the East the *officia* of one of the *magistri praesentales* and of the *magistri* of Thrace and Illyricum were at the time of the Notitia Dignitatum manned by soldiers seconded from their regiments: this was probably only a provisional arrangement, since these three commands had only recently been put on a regular footing. By 441 they had come to be filled by ordinary permanent officials, as were all other military offices. We have no clue to numbers save that, when in 441 a compromise was reached between the praetorian prefect of the East and the *magistri militum* on the vexed question of the *praescriptio fori* to be enjoyed by the latter's officials, it was agreed that 300 only, to be individually certified, were to qualify for

the privilege in the office of each of the *magistri*. These are in later laws alluded to as established clerks (*statuti*), as opposed to supernumeraries. It is to be inferred that the active strength of these offices was 300, but that they were swollen by large numbers of sinecurist members who enrolled for the sake of the privileges.<sup>82</sup>

Ducal offices were quite small. Anastasius restored that of Libya to its old establishment of forty, and Justinian laid down the same number for the five ducal commands which he instituted in Africa. The *dux* of Libya also had his personal staff, which included besides the usual *domesticus* and *cancellarius* a majordomo (*decanus*), private secretary (*subscribendarius*), bodyguard (*spatharius*) and trumpeter (*bucinator*): the African *duces* also had their own 'men' (*homines*) besides the official staff. The *dux* of Libya was also entitled to the services of thirty-seven soldiers seconded from the units under his command; 25 acted as messengers, 5 as porters and 7 as prison warders.<sup>83</sup>

Anastasius' regulations for the Libyan office give some interesting figures for salaries and fees. The office was allotted in the annual *delegatio* of the prefects only 40 *annonae* and 40 *capitus*, that is a trooper's pay for all members without any allowance for increments for senior officials, but it was allowed to distribute this sum among the staff as it wished. These ration and fodder allowances were apparently commuted for the odd sum of 387½ *solidi*; the junior clerks must have got very little if the seniors got any increments. Officials were forbidden by Anastasius to increase their emoluments by entering their names on the rolls of the regiments of the province and drawing soldiers' rations in addition to their official pay. They were, however, authorised to accept certain fees—in addition to the normal judicial *sportulae*—from the troops. These comprised 141 *solidi* by way of New Year presents (*καλανδικά*) for the whole office, and sundry fees for the *numerarius* and *primiscrinus*—one *solidus* for every enlistment (*probatoria*) and promotion, and for every additional ration and fodder allowance authorised, and 6 *solidi* from each fort of the *limitanei* for papyrus and 4 for the four-monthly strength returns. The personal 'men' of the *dux* also enjoyed customary perquisites from the troops—the *domesticus* 126 *solidi*, the *cancellarius* 24, the rest 180 between them.<sup>84</sup>

In the African offices Justinian graded the officials as non-commissioned officers and thus provided progressive scales of pay at more liberal rates, probably with a view to eliminating perquisites. The scales are rather more liberal than those of the praetorian prefecture of Africa. The total salary bill amounts to 622½ *solidi*. His scheme may be tabulated as follows.<sup>85</sup>

| Rank               | Number | <i>annonae</i> | <i>capitus</i> | commutation |
|--------------------|--------|----------------|----------------|-------------|
| <i>primicerius</i> | 1      | 5              | 2              | 33          |
| <i>numerarius</i>  | 1      | 4              | 2              | 28          |
| <i>ducenarii</i>   | 4      | 3½             | 1½             | 23½         |
| <i>centenarii</i>  | 6      | 2½             | 1              | 16½         |
| <i>biarchi</i>     | 8      | 2              | 1              | 14          |
| <i>circitores</i>  | 9      | 2              | 1              | 14          |
| <i>semissales</i>  | 11     | 1½             | 1              | 11½         |

The officials of the *magistri militum* were persons of some consequence, ranking on a par with *praefectiani*. By the law of Theodosius II their *numerarii* retired with rank of praetorian tribunes (military), and their *principes* with that of *tribuni vigilum* (military). Some individual officials achieved eminence. In the fourth century Remigius and Leo, who both started as financial officials of *magistri militum*, rose to be successively master of the offices of Valentinian I, and in the sixth John the Cappadocian, Justinian's famous praetorian prefect, was originally a clerk on the financial side of the office of the future emperor, then master of the soldiers. Another official of the master of the soldiers of the East, Secundus, has won a place in history only by being the father of John Chrysostom. He is said owing to his premature death to have left his widow badly off, but she could afford to give her son a full rhetorical education in Libanius' school. The service was often in practice hereditary—Secundus came of a family which had a distinguished tradition of service in the office. In view of its distinction it is surprising that Theodosius II found it necessary to warn the *magistri militum* against enrolling not only *curiales* and *cohortales*, but serfs (*censibus adscripti*).<sup>86</sup>

*Duciani* were also men of some standing; in some provinces, as we have seen, they retired with the rank of *protector*. The will, drawn in 567, of Flavius Theodore, an *exceptor* in the ducal office of the Thebaid, shows him to have been a man of rank and substance. He was the son of a barrister of the provincial court of the Thebaid, and owned land in the territories of three cities, Hermopolis, Antinoopolis and Panopolis, and house property in Hermopolis and Antinoopolis, as well as a number of slaves. He was a pious man, and left nearly all his land and houses to a monastery, reserving one estate only for his grandmother. His own house was to be sold and the money used for redeeming prisoners. His slaves were to be freed and granted their *peculia* and legacies of six solidi each. His old nurse and her daughter were to receive a pension of twelve solidi a year.<sup>87</sup>

This does not exhaust the list of civil servants in the empire.

The *largitiones* and the *res privata* had their staffs in the dioceses and provinces. Of the highest rank were the mysterious *largitionales civitatum*, known only in the fourth century, who were entered on the establishment of the palatine office and shared its privileges. In the depots of the *largitiones*, the *thesauri*, were accountants (*scriniarii*), known as *thesaurenses*: nothing is known of them save that their *probatoria* were issued from the *sacra scrinia*, so that they must have ranked as high as *vicariani* or *duciani*. The officials of the *rationales* of the *res privata* (and probably *largitiones*) ranked much lower. They were styled *Caesariani*, and no doubt were descended from the slave and freedmen staffs of the procurators of the Principate, who were so called. They are severely criticised in the Codes for their rapacity and dishonesty in seizing confiscated and escheated estates and making inventories of them. This criticism is borne out by an anecdote which Ammianus tells of a band of Syrian brigands, who, masquerading as the *officium* of the *rationalis*, carried off all the movables of a wealthy house under a forged order.<sup>88</sup>

The minor magistrates of Rome and Constantinople, the prefects of the *annona* and the *vigiles*, the consular of the aqueducts and so forth, also had their *officia*. There were finally the civil servants of the ordinary cities of the empire. They bore a variety of titles—*tabularii*, *scribae*, *logographi*, *diurnarii*, *censuales*—but little is known of the specific duties of any save the *tabularius civitatis*. He kept the tax assessment of the city—and was thus in a position to grant illicit immunity or distribute the tax burden unfairly. He checked the collection of the taxes, drawing up returns every four months of taxes received (to prevent them being collected twice over) and issuing lists of arrears to the *exactores*. All were humble fry, forbidden to take service in the army or in any office of the central government: in 401 Honorius had even to enact that slaves and *coloni* should be excluded from these offices. They could, however, if of sufficient means and of good character, aspire to the decurionate, and humble decurions sometimes took service in the municipal offices, thereby forfeiting their curial status and becoming liable to torture. Besides these strictly civic employees, who belonged to the *municipalia officia*, there were in the cities officials seconded from provincial office. There were the *stationarii* who fulfilled police functions, arresting criminals and consigning them to their local lockups, and guarding the city gates and checking postal warrants and collecting octroi tolls. The *defensor civitatis* also enjoyed the services of one shorthand clerk (*exceptor*) and two other officials to execute the orders of his court, seconded from the provincial office.<sup>89</sup>

Lastly one must not omit a curious archaic survival, the decuries of lictors and *scribae librarii*. These were the last remnant of the ancient civil service of the Roman Republic, and still showed signs of life, successfully petitioning for confirmation of their privileges and fees in 386, 389, 404, 407 and 409, and surviving under the Ostrogothic kingdom and even under Justinian. They mostly served the old Republican magistrates, the praetors and consuls, at Rome, but they also functioned in the provinces, perhaps under proconsuls. In 411 the legate of the proconsul of Africa is recorded to have had a *scriba*, and in the Notitia Dignitatum a 'quaestor' is listed in the *officium* of the proconsul of Achaëa: he is surely not the old Republican magistrate, but the *scriba quaestorius*. The institution was also transplanted to Constantinople where in Justinian's day the praetor Constantianus is recorded to have possessed a *scriba*.<sup>90</sup>

The Roman civil service suffered from all the faults of an overripe bureaucracy. It was intensely conservative. It preserved curious old titles and grades, going back to the Principate and even the Republic, *cornicularius*, *speculator*, *beneficiarius*; its members became praetorian tribunes or tribunes of the *vigiles* long after the praetorian guard and *vigiles* had ceased to exist. John Lydus, the Roman civil servant whom we know best, takes immense pride in the antiquity of his office. The praetorian prefecture, he repeatedly explains, is lineally descended from the commander of the horse, who was second in command to Romulus and the kings of Rome—the difference between prefect (*πραιποσίτος*) and *magister equitum* (*ἐπικρατορ*) being one merely of orthography; and he proudly traces back the office of *cornicularius*, which crowned his own career, to that of commander of the right wing (*cornu*) in the regal army of Rome.<sup>91</sup>

Another of John's major complaints is that Latin, which no member of the public and very few of the clerks understood, was no longer the official language of the praetorian prefecture of the East. It had been abolished by Cyrus, prefect in 439-41, 'an Egyptian admired even now for his poetic talent . . . who understood nothing but poetry'. John repeatedly cites an ancient adage that evil would befall the empire when Latin ceased to be used, and quotes with loving nostalgia some of the old Latin *formulae*—'et collocare eum in legione prima adiutrice nostra' and the like. He had, it is true, a personal reason for regretting the fall of Latin, as he had taken the trouble to learn the language and considered

himself something of a scholar; but his resistance to change is typical of the service.<sup>92</sup>

The service was also, if John may be taken as typical, excessively devoted to forms and much addicted to 'papyrasserie'. John himself evidently delighted in forms for their own sake, the longer and more complicated the better, and revelled in files, daybooks, indices and the like—the *cottidianum* and the *personale* of the prefecture were his pride. The multiplication of paper work undoubtedly choked the administrative machine, and greatly increased the cost of justice, and this may be laid to the charge of the bureaucracy.

The service was riven by departmental jealousies, mainly concerned with their jurisdictional privileges and with the allocation of work—and the fees which it brought. We can trace in the Codes and Novels the struggles between the praetorian prefecture and the offices of the *magistri militum* and the *largitiones* and *res privata* for jurisdiction over soldiers and military and financial officials and revenue cases. In the sources we can follow disputes between the *sacra scrinia* and the offices of the masters of the soldiers over the issue of commissions to officers of the *limitanei*, and between the *sacra scrinia* and the praetorian prefecture over the judicial fees of appeals to the high courts. John Lydus is again typical. His major passion is loyalty to the prefecture and hatred of the upstart department of the master of the offices, which had robbed the prefecture of the arms factories, and intruded an *agens in rebus* as *princeps* of the office. Within the prefecture itself his loyalty to the judicial side and jealousy of the encroachments of the financial officials is as impassioned, and he devotes many pages to laments over the fallen glories of the prefect's court and its once honoured and affluent clerks.<sup>93</sup>

The service was excessively rigid in structure, allowing for no transfers of misfits or promotion by merit. Generally speaking a clerk, once enrolled in an office or even in a particular *scrinium*, remained in it for life, and rose by strict seniority, until ultimately, if he stayed the course and survived, he reached the headship of his office or department. A clerk might be cashiered for gross misconduct, or lose seniority or his place by persistent absenteeism over several years, but he could not accelerate his promotion by special diligence—though he might do so by graft. There were some regular transfers from one office to another—from the *agentes in rebus* to the *principatus* for instance—but in general migration was discouraged and in many cases was prohibited.<sup>94</sup>

There were two posts which defied this rule, those of *domesticus* and *cancellarius*. The former was the personal assistant of his chief;



the latter, originally his doorkeeper, came to control access to his court. All officers of state seem to have had *domestici*; they are attested for praetorian and urban prefects, *magistri militum*, *praepositi sacri cubiculi*, quaestors and masters of the offices, *comites rei militaris* and *duces*, provincial governors, and also for tribunes of the *scholae* and of ordinary regiments. *Cancellarii* are also known for most officers of state who had judicial functions, from the prefects and *magistri militum* to *duces* and provincial governors. They first appear in the middle of the fourth century, and were originally not members of the *officium* but brought in from outside by their chiefs. *Domestici* of provincial governors were like their employers forbidden to make purchases or marry wives in the province during their period of office, and *domestici* and *cancellarii* were obliged to remain fifty days in the province after ceasing to serve, in order to enable the provincials to prosecute them for their misdemeanours.

By the end of the fourth century, however, it was becoming customary for a magistrate to choose his *domesticus* or *cancellarius* from the *officium*, and in 423 Theodosius II forbade provincial governors to bring in outsiders, and ordered that *cancellarii* should be appointed on the responsibility of the *officium*, and apparently from its number. By the sixth century *cancellarii* and *domestici*, though they were still not strictly a part of the *officium*, seem always to have been drawn from it, but the magistrate retained a certain liberty of choice and was not bound by any rigid rule of seniority. In the praetorian prefecture of the East there were two *cancellarii* drawn from the *Augustales* and *exceptores*; they received a stipend of a solidus a day. In the prefecture of Africa there were also probably two, who shared an annual stipend of 7 lb. gold (252 solidi each). The praetorian prefect of Italy had only one *cancellarius*, but he appointed members of his *officium* to serve as *cancellarii* to the provincial governors.<sup>95</sup>

The system of advancement by strict seniority, without an age limit, had manifest disadvantages. The senior officials were often, as the laws admit, past active work, and the junior clerks had to pass long years of frustrating inactivity. It would seem that in general both the work and the pay were too much concentrated upon the seniors.<sup>96</sup>

Enrolment in any of the higher offices was not without its expenses. *Probatoriae* were not to be had for nothing from the *sacra scrinia*—those for appointments in the praetorian prefecture cost 5 solidi, raised in Justinian's reign to 20; and all civil servants from *vicariani*, *duciani* and *thesaurenses* upwards had to obtain their *probatoriae* thence. There were also often customary payments to

the establishment officer of the department concerned—15 or 20 solidi in the *sacra scrinia*, for instance, to the *melloproximus* or *adiutor*. In the best offices, moreover, from the middle of the fifth century at any rate, a place had to be bought, either at a fixed tariff or at its market price. This practice is firmly attested only for the superior palatine offices, such as the notaries, silentiaries and the *sacra scrinia*, but there is a suggestion in John Lydus that places in the praetorian prefecture of the East were saleable in his day.<sup>97</sup>

A clerk had then to pass many years underemployed and meagrely remunerated. When well advanced in seniority he qualified for positions which involved more responsible work and brought in substantial fees. Finally, at the very end of his career, usually in his last year or two, he came in for a rich reward, either by a great concentration of fees, or by selling the vacancy occasioned by his retirement, or by an outright bonus. These final earnings were regarded as in lieu of a pension. As Procopius explains the system, 'those who serve the emperor or the ministers in Constantinople either under arms or as clerks or otherwise are originally placed at the bottom of the lists, and as time goes on advance into the places of those who die or retire in their several departments until eventually they gain the first place and reach the summit of honour. And for those who have arrived at this rank sufficient sums of money were by ancient custom assigned—altogether more than 10,000 lb. gold a year—for them to support themselves in old age'. If aged officials died during their final or even their penultimate year the laws sometimes alleviated the distress of their families by allowing them none the less to receive the final reward of their fathers' service.<sup>98</sup>

The civil service abounded in other typically bureaucratic abuses. Numbers always tended to swell, despite periodic purges, especially in the grander and most lucrative offices, and no sooner did the imperial government lay down fixed maximum establishments than a host of supernumeraries accumulated, who either merely waited for a vacancy or worked without pay (for fees only), until in some cases a maximum establishment of supernumeraries had to be laid down. The service abounded in sinecure posts, which had ceased to involve any serious duties, though they still carried salaries, and often fees as well.<sup>99</sup>

Absenteeism was rife. In 378 Gratian laid down a scale of penalties for *agentes in rebus*, clerks of the *scrinia* and *palatini* of the two financial offices who exceeded their leave. Six months' absence cost five places in seniority, a year's ten, four years' forty; only if he stayed away more than four years without leave was a clerk cashiered. Leave might be prolonged by fictitious duty in the

provinces. Symmachus wrote to the *comes rei privatae* on behalf of Eusebius, an elderly *privatianus*. Eusebius had, he admitted, been absent for a long while, allegedly owing to sickness: he did not even now wish to return to the office, but asked to be given the mission of collecting arrears in Etruria. One wonders whether he lived in Etruria, and was seeking to prolong his holiday.<sup>100</sup>

Absentees, though they might draw their salaries, forfeited their fees, unless they had the foresight to appoint a deputy to do their work, like Egersius, a *scriniarius* of the praetorian prefecture of the East, who in the reign of Theodosius II, 'put a man of his own into his *scrinium* and himself began to lead a holy and pious life' as guestmaster in a monastery, 'distributing food from what God gave to him in his official post'. Pluralism was common. Justinian tried to suppress it, ordering those who held two, three or more posts, to select one to keep, and to vacate the rest, selling those which were legally saleable. Even he excepted from this rule certain well-established combinations of posts, such as the service of the *memoriales* or *agentes in rebus* as *laterculenses*, *pragmaticarii* or *a secretis*.<sup>101</sup>

The service was also undoubtedly corrupt and rapacious. Its members were on the whole miserably paid, and to make ends meet had to supplement their salaries with fees and perquisites. Many of these came to be hallowed by custom and ultimately fixed by law, and the worst that can be said of them is that they greatly increased the costs of justice and of revenue collection. But apart from these regular *sportulae*, which had themselves been originally illicit tips, the laws constantly allude to more serious abuses. There was much extortion by financial officials in collecting the taxes, and the audit of provincial and civic and military accounts was regularly exploited for blackmail. The various clerks handling petitions of all kinds, for offices, codicils of rank, immunities, grants of imperial land and sundry privileges, in particular the members of the *sacra scrinia* and the *privatiani*, must have made a regular income by drafting and submitting for signature improper and even illegal requests. The emperors naturally tended to sign on the dotted line the sheaves of petitions stacked in their in-trays. In many laws they declare invalid even grants bearing their own signature, if contrary to their constitutions, and threaten with severe penalties the clerks responsible for drafting them.<sup>102</sup>

As a whole the civil servants of the later Roman empire seem to have been an unambitious and unenterprising class. Except for the notaries in the fourth century and some financial officials in the fifth and sixth, very few achieved eminence or rose into the official aristocracy. Some migrated, either during service or having

completed their term, to superior ministries, but most seem to have been content to serve in one office until they at long last retired with a competence and the appropriate privileges and rank. Nor were they on the whole more ambitious for their sons. Service was legally and compulsorily hereditary only for the *cohortales*, and here the rigidity of the law caused considerably friction, as we have seen, and ambitious fathers sent their sons to the bar or placed them in superior offices. In the higher offices, among the *agentes in rebus*, for instance, and the *sacra scrinia*, there was on the contrary a tendency for the service to become hereditary by the spontaneous desire of their members to place their sons in the same office. This tendency was so well established at Rome by the end of the fifth century that Theoderic pensioned not only the serving members of various offices which he suppressed, such as the *silentiaries*, but also their descendants.<sup>103</sup>

Despite its many and manifest failings the civil service undoubtedly played a vital part in the preservation of the empire. The permanent civil servants knew the procedure and the regulations far better than their transient chiefs, who were often aristocrats chosen for no better reason than their birth and wealth. They had moreover less pressing need for getting rich quick than their chiefs, who usually held office for a matter of a year or two only, if so long, and they had therefore rather less temptation to serious corruption or extortion. The *cohortales*, moreover, at any rate, living among the people whom they administered, and likely to pass their declining days in the province, must have felt some fellow-feeling for the provincials, and, if only for their own future comfort, must have been more considerate to them than a governor who came from outside and stayed for a brief spell only: the officials who are principally accused of fiscal extortion are the *palatini* and *praefectiani* who were sent out from the central offices on temporary missions.<sup>104</sup>

Civil servants thus acted as a check on the inexperience and rapacity and corruption of their chiefs, and were expected to do so by the emperors. In most laws the minister, or governor, and his *officium*, are held equally responsible for their enforcement, and both are threatened with fines for failure to carry them out. In some laws the *officium* is even instructed to make representations to its chief if he flouts the rules, and fined if it fails to do so. Nor were all officials entirely lacking in enterprise or public spirit. It was a civil servant, Marinus, who inspired many of Anastasius' financial reforms, and another, John the Cappadocian, who probably suggested the great administrative changes made by Justinian.<sup>105</sup>

## CHAPTER XVII

### THE ARMY

THE history of the later Roman army falls into two distinct chapters. This is partly due to our sources of information. Ammianus gives us a detailed and reliable insight into the army of the mid-fourth century, and with the aid of Zosimus, and other lesser historians, and of the Theodosian Code, it is possible to glimpse something of the previous development of the military system back to Diocletian and its later history down to the middle years of the fifth century. Most of this period is also illuminated by the *Notitia Dignitatum*. Its Eastern army lists were drawn up at the beginning of the fifth century, its Western were kept—imperfectly—up to date down to the end of the reign of Honorius, but in both halves there are some lists in which little change had been made since the time of Constantine or Diocletian, and from them it is possible to deduce something of the earlier history of the army. In the sixth century we again have a great military historian, Procopius, whose narrative of Justinian's wars throws a flood of light on the army. His story is continued by Agathias and others down to the end of the century, and the laws of Anastasius and Justinian in the Code and the Novels throw further light on the military system of the sixth century.

The gap in our information corresponds with a real change in the military system. In the West the Roman army disintegrated in the middle decades of the fifth century, being gradually replaced by bands of barbarian federates. In the East there was no such complete break of continuity, but the army which emerges into view after the obscure period of the mid-fifth century is markedly different from that of the fourth.

Diocletian seems to have been somewhat conservative in his strategic ideas. In principle he maintained the tradition of his second-century predecessors. The bulk of the army was dispersed along the frontiers, and it was still composed of legions with the third-century addition of cavalry vexillations, which ranked with them as first-class troops, and of auxiliary cohorts and *alae*.

Diocletian's main efforts were directed to strengthening the frontier fortifications and to increasing the size of the army. He and his colleagues possessed mobile field armies, *comitatus*, but these seem to have been small, and for any important operation had to be reinforced in the traditional way, by detachments drawn from the frontier armies. In the system of command Diocletian introduced one innovation, establishing in certain frontier areas zone commanders (*duces*) distinct from the provincial governors, who retained civil functions only. This change however was far from universal: in many areas the provincial governor continued to command the local forces as heretofore, and the praetorian prefects retained the supreme command, and exercised it through their vicars.<sup>1</sup>

Constantine appears to have been the innovator who created the army of the fourth century. He greatly increased the strength of the mobile field army, partly by withdrawing detachments permanently from the frontier forces, partly by raising additional cavalry vexillations and infantry units of a new type, the *auxilia*. To command this greatly enlarged field army, the *comitatenses*, he created new officers, the *magister peditum* and the *magister equitum*: the praetorian prefects retained only administrative duties, the levying of recruits and the provision of arms and supplies. The frontier armies, the *limitanei* or *ripenses* as they are now called in distinction from the *comitatenses*, were reduced in strength and sank in prestige. Along the Danube Constantine seems to have largely reconstituted the frontier army, the old auxiliary troops, the cohorts and *alae*, being replaced by new style *auxilia* of infantry and *cunei* of cavalry. Constantine probably also completed the system of *duces*; henceforth military and civil command were united only in one or two provinces, and such unions were usually temporary.<sup>2</sup>

During the reigns of Constantine's sons and of Valentinian and Valens there was no radical change. With the division of the empire the *comitatenses* were split into three or two armies, each with their *magistri peditum* and *equitum*. The field army was further split into local groups, some troops being assigned to the Eastern frontier, some to Thrace or Illyricum or Africa. These regional field armies were commanded either by officers entitled *magistri equitum*, who actually commanded both arms, or by *comites rei militaris*. A distinction thus grew up between the troops of the regional armies, who were still called *comitatenses*, and those of the armies attached to the emperors themselves, who were styled *palatini*. By the time that the Notitia was drawn up this distinction had been blurred by cross-postings. Palatine units had been transferred to the regional armies, retaining their higher status, and

conversely the central armies had been reinforced by *comitatenses* who were not raised to palatine rank. Similarly units transferred from the frontier to the field armies were not always upgraded in status, being styled *pseudo-comitatenses*. This title is first recorded in 365, and was applied, it would seem, to the units evacuated from the regions ceded by Jovian to the Persians, which were incorporated in the regional field army of the East.<sup>3</sup>

By the end of the reign of Theodosius I the system of command in the Eastern parts had been stabilised in the form set out in the *Notitia Dignitatum*, which survived substantially unchanged to Justinian's time. The field army was divided into five approximately equal groups. Two were stationed in and about the capital and were at the immediate disposal of the emperor. The other three were regional, stationed on the Eastern frontier and in Thrace and Illyricum respectively. Each group was commanded by an officer styled *magister utriusque militiae*, who by the early fifth century had a *vicarius* to assist him. The frontier armies were commanded by one *comes rei militaris* (of Egypt) and two *duces* (of the Thebaid and of Libya) in the African provinces, seven *duces* along the eastern frontier (of Palestine, Arabia, Phoenice, Syria, Osrhoene, Mesopotamia and Armenia), and four (of Scythia, Dacia and the two Moesias) along the Danube. There were also garrison troops in the unruly province of Isauria under a *comes rei militaris* who was also civil governor. The number of *duces* in the Eastern parts had by Leo's reign been increased to seventeen by the separation of Pontus from Armenia, Euphratensis from Syria and Pentapolis from Libya, and by the transfer of Pannonia Secunda from the West. Three additional *comites rei militaris* had also been created in Pamphylia, Pisidia and Lycaonia to deal with the increasing depredations of the Isaurians. In the *Notitia Dignitatum* the two *comites* of Egypt and Isauria and the frontier *duces* appear to be directly responsible to the emperor and not under the disposition of the masters of the soldiers. But the fifth-century laws show clearly that the regional *magistri* retained authority over the *comites* and *duces* in their respective zones. From 443 the master of the offices became inspector general of all the frontier troops.<sup>4</sup>

In the West, the command was, owing to the supremacy of Stilicho, far more centralised. There was one *magister peditum in praesenti*, who, with a subordinate *magister equitum*, commanded all the field armies and also had under his disposition the *duces* of the frontier troops. The structure of the subordinate commands varied from time to time and cannot be reconstructed for any given date with any confidence, as in the *Notitia Dignitatum*, almost our

only source, the different sections are inconsistent, having been compiled and partially corrected at various dates. The field army was actually divided into regional groups. The bulk of it was in Italy under the *magistri praesentales* and there was a substantial body in Gaul under a subordinate *magister equitum* and smaller detachments in Spain, Illyricum, Britain, Tingitania and Africa under *comites rei militaris*. The frontier troops along the upper Danube were commanded by four *duces* (Raetia, Valeria and the two Pannonias), those in Gaul by five (Sequanicā, Moguntiacum, Germania, Belgica II, Armorica), and those in Britain by a *dux* and the *comes litoris Saxonici*. In these areas the command of the field and garrison armies was kept distinct. In Africa the *comites* of Africa and of Tingitania commanded both garrison and field units. The *duces* of Mauretania Caesariensis and Tripolitania commanded only the local militia.<sup>5</sup>

The units of the army are elaborately classified and graded in the *Notitia*. At the top of the list come the palatine regiments, the vexillations of cavalry and legions of infantry, and after them Constantine's new infantry formations, the *auxilia*. The *comitatenses* comprise vexillations and legions only and are followed by the *pseudocomitatenses*, who are all infantry. Among the *limitanei* or *ripenses* there is more diversity. In some provinces—all those of the Eastern frontier, Rhaetia and Pannonia I on the upper Danube and Britain—the old Diocletianic order has survived almost intact. Here the higher grade troops are the vexillations (styled in the lists simply *equites*) and the legions, and the lower grade *alae* of cavalry and cohorts of infantry. Along the middle and lower Danube, and sporadically elsewhere, the vexillations and *alae* have been reinforced or replaced by a new form of cavalry unit, *cunei equitum*, and new infantry formations, *auxilia*, take the place of the cohorts. In the lists of the Gallic provinces, which appear to be the most recent, the classification of units is largely abandoned, the majority being styled simply *milites*; this vague title is used sporadically elsewhere. The lists of the *dux Britanniarum* and *comes litoris Saxonici* are peculiar in containing many *numeri*. This word became from the fourth century onwards increasingly common as a general term covering units of all kinds. Finally there are the fleets (*classes*). The old Italian fleets of Ravenna and Misenum survive, and there are numerous flotillas along the whole length of the Danube. None are recorded on the Rhine and only a few on the rivers of Gaul and some Alpine lakes.<sup>6</sup>

The above were all in principle regular Roman troops, and for the most part recruited from Roman citizens. The Roman government had however always supplemented its citizen forces with



barbarian units. Following this tradition Diocletian freely recruited barbarians into the auxiliary units at any rate; a number of Diocletianic cohorts and *alae* bear the names of barbarian tribes. Constantine increased the German element in the army; many of the vexillations and *auxilia* which he raised bear Germanic tribal names. But these barbarians were, it would seem, individually recruited for the most part, and served under Roman officers.<sup>7</sup>

Federates, that is contingents furnished under treaty by tribes in alliance with the empire and serving under their own tribal leaders, were occasionally employed during the century following Diocletian's accession. It was the regular policy, as it had been under the Principate, to make treaties of mutual aid with tribes along the frontier. Such allied tribes could form buffer states against enemies farther afield and act as a curb on recalcitrant neighbours on the frontier itself: at the least their treaties bound them to refrain from raiding the provinces. Such paper guarantees were by no means always effective, but the Roman government reinforced them not only by punitive action against treaty breakers, but by periodic gifts, and sometimes regular subsidies, to loyal chiefs.

The system was applied along all the frontiers, to the German and Sarmatian tribes along the Rhine and Danube, to the Moors on the desert fringe of the African provinces, to the Blemmyes and Nobadae of the Egyptian desert, to the Saracen sheiks beyond the Eastern frontier, and to the minor Caucasian tribes. In some areas the Roman government established a loose suzerainty over the barbarians, solemnly investing their chieftains with their regalia and thereby acquiring some control over their choice. The Moorish tribes of Africa, when Belisarius landed, asked him to obtain their insignia for them from the emperor according to the old custom. The hereditary satraps of Armenia, who were in the position of client chieftains, commanding their own native levies, were similarly invested with their regalia by the emperor. On the Eastern frontier the system was especially well developed. In each zone of the *limes*, corresponding with the *dux*, there was a paramount sheikh (phylarch), who was normally accorded some rank in the official Roman hierarchy: the federate Saracens received regular food subsidies (*annonae foederaticiae*), in return for which they refrained from raiding Roman territory and fended off tribes which were independent or allied with the Persian empire.

Federate tribes normally assisted only in wars in their own

vicinity, but could be called upon to supply contingents further afield. Crocus, an Alamannic chieftain, commanding a body of his countrymen in Britain, played, we are told, a decisive role in Constantine's proclamation in 306, and in 378 the Saracen queen Mavia sent to Valens' aid in Thrace a contingent, whose literally bloodthirsty mode of fighting frightened the Goths from the walls of Constantinople.<sup>8</sup>

This state of affairs lasted until the disastrous defeat of Valens at Adrianople, which greatly depleted the Roman army of the East and left the Goths at large in Thrace. Theodosius I was unable to retrieve the situation and had to sign a treaty with the Goths, whereby they were given a home within the empire and in return supplied contingents under their own leaders to assist the Roman army. This was the beginning of an ever-increasing use of federates, in a new sense, barbarian hordes who were either homeless or were assigned lands within the empire. The term was used to cover a wide variety of forces. Some were more or less compact tribal bodies under their hereditary kings, but even such tribal groups were fluid, sometimes splitting into two or three bands, sometimes comprising several tribes, acquiring recruits from outside sources when the leader was successful and popular, and suffering from widespread desertions when he was not. Other federate groups seem to have been motley hordes who enrolled themselves under some notable warrior. Their common feature was that they were not subject to Roman discipline nor administered by the Roman government, but served under a barbarian leader who received block sums for their pay and maintenance.<sup>9</sup>

The final stages of the disintegration of the Roman army in the West are most obscure. The *comitatenses* seem to have been allowed to run down, partly through lack of recruits, and partly through lack of funds, which were absorbed by the maintenance of the federates. What remained was progressively more barbarised, federate bands being taken *en bloc* on to the establishment and graded as *auxilia*. By the end there was probably little difference between the surviving regular units of the field army and the federates. During Honorius' reign the *limitanei* were in some areas, notably Africa and Gaul, used to fill the gaps in the field armies. Where they remained at their stations, they eventually disbanded for lack of pay. Eugippius in his biography of Severinus, who lived in Noricum between about 450 and 482, remarks that in his hero's time, 'while the Roman empire still stood, soldiers were maintained with public pay in many towns for the defence of the frontier, but when that custom lapsed the military units were abolished together with the frontier'. He mentions one regiment

which was stationed at Favianae in Severinus' lifetime, and records how the last surviving unit at Batava sent some men to Italy to draw their last instalment of pay.<sup>10</sup>

In the East the history of the army in the fifth century is even more obscure, but although federates were employed on a large scale, especially in Thrace and Illyricum, recruitment of Roman citizens was kept up. With the migration of the Ostrogoths to Italy the predominance of large tribal groups was reduced. Federate bands of the other type continued to be employed but they were better controlled, being put in charge of Roman officers and administered by Roman quartermasters.

The imperial guard, the *scholae*, certainly existed under Constantine, and may go back to Diocletian. It was closely attached to the person of the emperor (or emperors, including Caesars) and did not fall under the command of the *magistri militum*, but under the disposition of the master of the offices. This probably means that he controlled it administratively, for he is never recorded to have commanded it in the field: the tribunes of the several regiments were no doubt under the immediate command of the emperor himself. As recorded in the Notitia it comprised five regiments (*scholae*) in the West, the First, Second and Third Scutarii, Senior Gentiles and Senior Armaturae; and seven regiments, the First and Second Scutarii, Scutarii Sagittarii and Scutarii Clibanarii, Senior and Junior Gentiles, and Junior Armaturae, in the Eastern parts. Each *schola* was (in Justinian's day at any rate) 500 strong. The Scutarii and Scutarii Clibanarii existed under Constantine (the former probably already under Diocletian), and the Gentiles are recorded in the story of Sergius and Bacchus which purports to be of Diocletianic date. Ammianus mentions at various times, as attached to Constantius II, Gallus, Julian (as Caesar and as Augustus) and Valentinian and Valens, two regiments of Scutarii, another of (Scutarii) Sagittarii, Gentiles and Armaturae. From the *scholae* were selected the forty white uniformed *candidati*, who formed the emperor's personal bodyguard.<sup>11</sup>

The Gentiles must, to judge by their title, have been in origin a foreign legion, and by implication the other regiments would have originally been composed of Roman citizens. This distinction, if it ever existed, was shortlived: the earliest known Gentiles, Sergius and Bacchus (if they are genuine), were Romans, and by Ammianus' time the bulk of the officers and men in all regiments were, to judge by the individuals whom he mentions, Germans,

mainly Franks and Alamans. By this time German recruits were considered so essential for the *scholae* that Julian, in his final offer to Constantius II (who might otherwise, with a coordinate emperor ruling the Gauls, have been starved of Germans), promised to supply him with '*laeti*, the offspring of barbarians, born on this side of the Rhine, or at any rate *dediticii*, who desert to our side' to be enrolled in his Gentiles and Scutarii. In the fifth century after the final separation of the Eastern and Western parts, Armenians predominated in the Eastern *scholae*.<sup>12</sup>

In Ammianus' day the *scholae* were crack regiments of fighting troops, but when after the death of Theodosius I the emperors ceased to take the field in person, they tended to become a parade ground corps. In the West they survived until the accession of Theoderic, who dissolved the corps, granting the surviving members a meagre pension of one *annona* each, which was continued to their sons and descendants. In the East, according to Procopius and Agathias, the *scholae* retained their martial qualities until the reign of Zeno.<sup>13</sup>

To turn to the regular army, recruitment may be conveniently considered under two heads: citizens and barbarians. Slaves were normally debarred from military service, and only rarely enlisted even at times of crisis. When Gildo rebelled in 397 Roman senators were called upon to surrender some of their slaves for service in the army, and during Radagaeus' invasion of Italy in 406 a general invitation was issued to slaves to join up, and they were promised not only their freedom but a bounty of two *solidi*: slaves of soldiers and of federates, who had military experience, were declared to be especially welcome. Not only were slaves excluded, but freedmen and also all those who followed degraded occupations, innkeepers, cooks, bakers and the like. Among respectable citizens, provincial officials and *curiales* were debarred from the army, but if they joined it their offence was sometimes condoned after five or more years of service. From the early fifth century *coloni adscripticii* were also ineligible.<sup>14</sup>

Volunteers were certainly welcomed, and we know of individual cases, such as the future emperor Marcian, but we cannot estimate how many recruits the army received in this way. In 406 not only slaves but free citizens were urged to join up, and the latter were promised a bounty of 10 *solidi*, 3 payable on recruitment and 7 on the conclusion of hostilities; from this it would appear that these emergency recruits did not sign on for regular service. The

bulk of citizen recruits were undoubtedly conscripts of one type or another. Sons of soldiers and veterans were obliged to serve if physically fit. This rule already existed in 313 and was probably instituted by Diocletian. Constantine modified it in 326, permitting the sons of veterans the choice of either joining the army or being enrolled on their local *curia*, but this concession was not maintained. Henceforth all had to serve unless over age or unfit, in which case they were assigned to the *curia*. The rule was apparently universal, covering all branches of the service. Even officers' sons were bound by it; Martin's father, who had risen from the ranks to be a tribune, reported his son for service, hoping thereby to knock his Christian nonsense out of him. There seems to have been no regular machinery for enforcing the rule; edicts were periodically posted, and a comb out of veterans' sons who had evaded service ordered. The government also claimed the right to press vagrants (*vagi*), and periodically sent round officers (*protectores* or tribunes) to round them up together with deserters and veterans' sons who shirked their duty.<sup>15</sup>

The main source of citizen recruits was, however, the regular conscription, which was apparently instituted by Diocletian. It was annual, but recruits were not levied every year from every province, a tax, the recruit money (*aurum tironicum*), being exacted in some instead. Recruits were levied on the same assessment as the land tax and the burden therefore fell exclusively on the rural population. Like the land tax the levy was made city by city, by curial *procuratores tironum*. As recruits were large indivisible items, special arrangements had to be made for their assessment. Only the greater landowners would be assessed at a high enough figure to be responsible for the delivery of one or more recruits by themselves. Smaller landowners were grouped in consortia, called *temones* or *capitula*, whose joint assessment was liable for one recruit. Villages of small freeholders were similarly jointly responsible for one or more recruits. In each consortium the landowners took it in turn to be the *capitularius* or *temonarius* who provided the recruit; this duty, which was known as *protostasia* or *prototypia*, was considered a heavy burden, from which privileged persons, such as palatine civil servants, were excused.<sup>16</sup>

Valens in 375 laid down careful rules for equalizing the burden. A recruit was to be valued at 30 solidi, to which was to be added 6 solidi which he received for uniform and expenses. This sum was divided between all the members of the consortium according to their assessment, and the others paid their quotas to the *temonarius*, who furnished the actual recruit and gave him 6 solidi. From a papyrus we learn that in an Egyptian village, by a similar system,

the villager who undertook to serve received from the curial *procurator tironum* 30 solidi subscribed by the village. Before this law, Valens tells us, a vicious system had prevailed whereby 'an enormous sum of gold is demanded for bodies and the purchase of stranger recruits is assessed at an outrageous rate'. A contemporary author apparently alludes to the same abuse when he complains that provincial governors make vast profits from 'the purchase of recruits', and the statement of Socrates that Valens levied the huge sum of 60 solidi as commutation for a recruit may be a confused memory of the bad old times. It may be conjectured that provincial governors levied commutation for recruits from the taxpayers at exorbitant rates, and then secured the recruits by offering bounties at lower, but still extravagant, rates to casual volunteers. Under Valens' reformed scheme the recruit was to be drawn from the registered tenants of the landlord responsible or from their sons, and the landlord was expressly forbidden to offer a vagrant or veteran's son. By way of compensation he was allowed to claim the remission of his lost tenant's poll tax, provided that he could not fill up the number of his registered tenants from the younger generation.<sup>17</sup>

From the early years of the fifth century special supplementary levies of recruits were made from *honorati*, or rather from holders of honorary codicils or rank: a law of 412 gives a long list of exemptions, ranging from the praetorian prefects and *magistri militum* down to tribunes or *praepositi* of units, during or after office. Another law of 444 gives the scale of the levies. *Illustres* were to produce three recruits; *comites* of the consistory or of the first class, tribunes and notaries, and ex-provincial governors one; tribunes, *comites* of the second and third class and other *clarissimi* one-third of a recruit. This levy was in fact commuted (at the rate of 30 solidi per man), as were others in 407, 410 and 412, but actual recruits were sometimes thus raised.<sup>18</sup>

Recruits were examined before enrolment. The age limits, according to a constitution of 326 dealing with sons of veterans, were 20 to 25. Later laws place the lower limit at 19 and extend the upper limit to 35 for sons of veterans who had eluded their call-up hitherto. Apart from physical fitness the only other specific requirement of which we know was height, where the old minimum of 5 ft. 10 in. was reduced in 367 to 5 ft. 7 in. Recruits were then branded to facilitate recognition in case they deserted. The process is vividly described in the Acta of Maximilianus, a Christian conscientious objector in the reign of Diocletian, who was summoned before Dio, the proconsul of Africa. Dio, the proconsul, said: 'What is your name?' Maximilian replied: 'Why do you want

to know my name? I am forbidden to serve because I am a Christian.' Dio the proconsul said: 'Tie him up.' While he was being tied up Maximilian replied: 'I cannot serve, I cannot do evil. I am a Christian.' Dio the proconsul said: 'Let him be measured.' When he had been measured, it was read out by the *officium*: 'He is 5 ft. 10 in.' Dio said to the *officium*: 'Let him be branded'.<sup>19</sup>

According to Vegetius there was much laxity in examining the recruits levied from landowners, with the result that those men were picked whom the owners wished to get rid of. Much more care was taken to ensure that decurions were not enrolled. By a mid-fourth century law a recruit had either to be examined in the presence of the decurions of his city or if he offered himself to the *dux* of a frontier province, the latter had to obtain a certificate from the provincial governor that the man was not of curial status. In 383 Theodosius I ordered a full enquiry to be made, and evidence of reputable witnesses received, before a volunteer was accepted, and in 385 Valentinian II enacted that a potential recruit must obtain a certificate from the authorities of his native city. Having been issued his lead identification disc, which he henceforth wore round his neck, and his certificate of recruitment (*probatoria*) he was assigned to a unit. According to a law of 375 those with better physique were enrolled in the *comitatenses*, the inferior specimens in the *limitanei*. By a law of Constantine a son of a cavalry veteran had the option of being enrolled in a cavalry unit, if he provided a horse of his own, and if he brought with him two horses or a horse and a slave, started with the lowest non-commissioned grade, that of *circitor*.<sup>20</sup>

From the year in which he took the oath and was posted to his unit a recruit obtained, provided he did not desert, exemption from his poll tax (*capitatio*). Those enrolled in the cohorts and *alae* had to be content with this privilege, but those who served in units of higher grade obtained after completing five years' service further exemptions. A constitution of 311—that is before the organisation of the *comitatenses*—gives soldiers in the legions and vexillations exemption for four persons. Constantine in 325 granted to *comitatenses* and *ripenses* (excluding *cohortales* and *alares*) immunity for themselves, their wives and their fathers and mothers: if they lacked any or all of these, they would deduct the sum which they would have paid on their behalf from the tax due on their property. These immunities were later reduced. A law of Valens dated 370 allows exemption for the soldier himself and his wife only, a second law of five years later maintains this rule for *ripenses*, but grants *comitatenses* immunity for father and mother as well.<sup>21</sup>

There is a good deal of evidence which suggests *prima facie*

that despite these privileges military service was very unpopular. As a series of laws testify many men went so far as to cut off their thumbs to evade service. Constantine in 313 ordered that sons of veterans who did so should be enrolled in the city councils. He also issued a law, re-enacted in 367, that such men should nevertheless serve in some capacity. In 368 Valentinian, presumably in a fit of fury, instructed Viventius, praetorian prefect of the Gauls, that offenders should be burned alive. In 381 Theodosius more moderately ordered that they should serve despite their self-imposed disability, and that the taxpayers should have to produce two mutilated for one sound man. Rigorous precautions were taken to prevent recruits from escaping while in transit to their units. When Pachomius was called up in 324 by Licinius, his draft were locked up each night in the prison of the city where they stopped on their journey; it was the kindness of Christians who brought comforts to the imprisoned recruits which brought about his conversion. A circular letter from Gaius Valerius Eusebius, *comes Orientis* under Valens, to all the city police officers from the Thebaid to Antioch, states: 'Having received the recruits being sent from the diocese of Egypt from the recruitment officers you will convey them to Antioch at your peril, knowing that if any of them escapes, the person through whose negligence he is proved to have run away will not get off without punishment.' Many nevertheless did desert; a number of laws ranging from 380 to 403 imply that the great bulk of deserters were men just enrolled and often not yet posted to their units.<sup>22</sup>

It would be unjust to draw too sweeping conclusions from this evidence. Under any system of conscription there is a minority of shirkers, and the military authorities tend to take precautions on the assumption that every conscript is a potential deserter. There were regional variations in the popular attitude to military service. Ammianus Marcellinus praises the martial spirit of the Gauls: 'never does any of them, as in Italy, cut off his thumb in fear of military service'—a statement which Valentinian's constitution to Viventius seems to put in doubt, unless it was a circular addressed to all praetorian prefects. Viewed in the cold light of reason a military career would seem to offer attractions to the peasants who were the bulk of the recruits. Pay and conditions were, as we shall see, tolerably good for men of that class, there was the prospect of steady if slow promotion and of a bounty or a farm at the end of service, and the possibility of rising to be a tribune, a *dux* or even a *magister militum*. But many peasants evidently were terrified at the prospect of being torn from their homes and sentenced to life exile in some remote province, and would go to all lengths to



evade the call-up, though when they had got over their initial panic and homesickness the majority seem to have served quite contentedly.<sup>23</sup>

As we do not know the rate at which recruits were assessed on the provinces, nor how often recruits were commuted for gold, we cannot tell how severe the levy was. We only know that it was a heavy strain on the depleted rural population: the government normally, it would seem, exempted the lands of the *res privata* from furnishing recruits, the Roman senators in 397 preferred to pay 25 solidi a man rather than actual recruits. Nor do we know how long conscription was regularly operated. Ammianus speaks of it as an annual event in the reign of Valens, and does not say that things had changed when he was writing under Theodosius I, while a law of Honorius dated 403 seems to imply an annual levy. But the increasing use of federates led to more frequent commutation of recruits for gold; it was the prospect of thus increasing both the army and the revenue which was Valens' major inducement to admit the Goths into the empire. Two novels of Valentinian III, dated 440 and 443, suggest that in the West a levy of recruits was by this time an emergency measure, specially decreed. In the East the last laws which allude to conscription are dated 396, but the absence of constitutions may merely mean that the routine was operating smoothly. In 404 John Chrysostom was arrested in St. Sophia with the aid of 400 newly levied Thracian recruits, and we happen to know that in 444-5 John, Saba's father, was called up from a Cappadocian village and posted to the Isaurian regiment at Alexandria.<sup>24</sup>

The great majority of the barbarians who served in the Roman army were Germans, but other races contributed their quota—Atecotti from Ireland or Scotland, Sarmatians from the lands north of the lower Danube, Lazi, Tzani, Iberians, Armenians and other Caucasian peoples, Persians from the East. The great majority probably enrolled as volunteers, attracted by the standard of life of the Roman soldier, which to most of them must have seemed luxurious, with ample food and fine clothes and equipment and arms, and occasional payments of gold and silver coins. There were moreover dazzling prospects of advancement; many foreigners rose to be officers, generals and even commanders in chief. Some barbarians, however, adventurous though they normally were, showed the same reluctance to be posted too far from their homes as did Roman recruits. Many of the Germans in Julian's army in

Gaul had stipulated that they should not have to serve south of the Alps.<sup>25</sup>

Barbarian recruits were obtained by other means also. Some were prisoners of war, or men who surrendered themselves at discretion to the Roman government (*dediticii*), doubtless the victims of intertribal wars or domestic feuds. The emperors also not infrequently imposed on defeated tribes as a condition of peace the supply of a number of young men for enrolment in the army, either once for all or as an annual obligation. The government also bred Germans on Roman soil by the system of *laeti*. The system was, to our knowledge, confined to Gaul and Italy, but in these areas it already existed under the Tetrarchy, and still survived under one of the last emperors of the West, Libius Severus. Its character can only be gathered from scattered references, and is somewhat obscure. The government set aside certain lands, *terrae laeticae*, for the settlement of barbarians who sought refuge in the empire. The Notitia records such lands in the territories of fourteen cities of northern Italy, as well as in the provinces of Apulia and Calabria and of Lucania and Bruttium in the south. In Gaul it lists about twenty cities in the provinces of Belgica I and II, Lugdunensis I, II and III, Germany II, and Aquitania I and II; and the list breaks off incomplete. The settlers were controlled by Roman prefects, usually responsible for one, or two contiguous, territories, sometimes, where the settlers were more widely scattered, for a whole province. The *laeti* were planted in tribal groups. All those in Italy are described as Sarmatians, but a constitution addressed to Stilicho in 400, and probably therefore concerned with Italy, alludes to Alaman as well as Sarmatian *laeti*. The Gallic settlements include six of Sarmatians (one mixed with Taifali), three of Suevi, and one of Franks, and some unknown and perhaps corrupt tribal names. Among the Gallic *laeti* are also settlers who appear to be of Roman origin, Batavi, Nervii and Lingones; these were perhaps displaced persons from abandoned frontier lands which had been good recruiting grounds; there were famous Batavian and Nervian regiments in the field army. The groups of *laeti* were corporations (*corpora publica*), with a special obligation of furnishing recruits.<sup>26</sup>

There were numerous units in the Roman army named after barbarian tribes, as there were after provinces or districts or cities of the empire. Initially no doubt these units were raised from the tribes or areas from which they took their names, but there is no reason to believe that any attempt was made to maintain their tribal or local character, and in general Germans seem to have been mixed with Romans in most units. We have seen that Romans as

well as Germans are found in all the *scholae* indiscriminately, though some units were specifically named Gentiles. And even if fellow tribesmen served together in the same unit, they received their arms, horses, uniforms, rations and pay or donatives through Roman officials, and were commanded by officers who, though they might be of German race, were appointed by the Roman government and usually had no connection with them: it was, it would appear, an exceptional favour when Valentinian I appointed Fraomarius, a loyal chieftain of the Bucinobantes, an Alamannic tribe, who had been expelled by anti-Roman rivals, to the command of an Alamannic unit in Britain. Ammianus remarks that in 378 the Goths recently enrolled in the various units of the army of the Orient were all under the command of Roman officers. His bitter comment, 'which rarely happens in these days', probably refers to the federate bands which formed so large a part of the armies of Theodosius I.<sup>27</sup>

The Roman government has been strongly criticised for enlisting Germans in such profusion into its armies. But there is no evidence that, so long as they were drafted into Roman formations and not employed as federate groups under their own chiefs, they were unreliable. There are one or two cases where leakage of information was suspected or proved. In 354 it was thought by some that a surprise attack on the Alamanni was betrayed by members of that people high in the imperial service: the names of Latinus, *comes domesticorum*, Agilo, *tribunus stabuli*, and Scudilo, tribune of the Scutarii, were mentioned. In 357 a deserter from the Scutarii encouraged the Alamanni to attack by telling them that Julian had only 13,000 men; he is not stated to have been an Alaman, but no doubt was so. In 377 one of the Lentienses, an Alamannic tribe, serving in the *scholae*, while revisiting his people on private business, gave away the fact that Gratian was sending large forces to assist Valens in Thrace, and thereby encouraged the Lentienses to raid Roman territory; he was punished for thus betraying military secrets by careless talk. Later another Alaman, a chieftain named Hortarius whom Valentinian I had appointed to a commission, was detected by the *dux* of Germany sending a treasonable message to a hostile Alamannic chief, and executed. These are the only cases of treachery or even bad security which are to be found in Ammianus' detailed narrative. What is more remarkable is that Ammianus, an experienced officer, never so much as hints that German troops were not reliable, even when fighting their own countrymen.<sup>28</sup>

The danger was not very serious. The Germans had no national sentiment. The tribes were constantly at war with one another,

and even within such tribal groups as the Franks or the Alamans there were bitter feuds between their component clans. It would be only when—as in the cases recorded above—a man's own clan or tribe was involved that any conflict of loyalty could arise. Moreover many Germans lost touch with their people, and became completely assimilated. How far this was true of the rank and file it is difficult to say, as we know so little of them. Some apparently, like the guardsman who carelessly gave away the movements of Gratian's army, periodically revisited their homes on leave, and some, when they deserted, returned home. Those Germans of whom we know anything, those that is who rose in the service and made names for themselves, certainly became thoroughly romanised, and quite lost contact with their homes.

All German soldiers had to learn a modicum of Latin, the language of the army, and most no doubt became bilingual. Jerome in his life of Hilarion of Gaza tells a story of a *candidatus* of Constantius II, a redhaired ruddy Frank, who visited the hermit in hopes of being freed of a demon which had troubled him from childhood. He himself, Jérôme tells us, spoke Frankish and Latin only, but he had brought Latin-Greek interpreters with him. Hilarion chose to speak in Syriac; but miraculously the Frank understood and replied in Syriac. German officers certainly spoke Latin fluently, as can be seen from descriptions of proceedings in the consistory, where they intervened freely. What is more surprising is that some seem to have forgotten their German. When Julian wished to send an officer, ostensibly as an envoy to the Alamannic king Hortarius, and really to discover the military preparedness of the tribe, he selected a tribune named Hariobaudes, who 'knew the barbarian tongue very well'. This remark is scarcely intelligible unless most of the many German officers in Julian's command were at least rusty in their mother tongue.<sup>29</sup>

We never hear of a German officer—of other ranks we have no evidence—who returned home after completing his service. All seem to have preferred to pass their declining years amid the comforts of Roman civilisation rather than return to the freedom and insecurity and squalor of Germany. Perhaps the most striking instance of the denationalisation of a German officer is the Frank Silvanus (not a few Germans took Roman names), *magister peditum* under Constantius II. Hearing that he was accused of aspiring to the purple, which under that suspicious emperor was a virtual death sentence, he at first thought in desperation of taking refuge with his native Franks: he was at the moment near them at Colonia Agrippina. But one of his German officers warned him that his fellow countrymen would be sure either to kill him or surrender

him at a price to the emperor, and Silvanus preferred to take the risk of appealing to his Roman troops.<sup>30</sup>

The soldier of the later empire was chiefly paid in kind, but he still received some regular money wage during the fourth century. A recently discovered papyrus has revealed that in Diocletian's reign—to be precise in the years 299 and 300—soldiers received an annual *stipendium*, paid as under the Principate in three instalments. It seems to have amounted to 600 denarii a year for legionaries and troopers of the *alae*, to about two-thirds of this sum for infantrymen in the cohorts. The auxiliary troops at any rate received in addition a ration allowance (*pretium annonae*) of 200 denarii a year. These sums, which must have remained unchanged from the Severan period, had by now owing to the inflation become almost nominal. According to the prices laid down in Diocletian's edict of a year or two later the whole annual ration allowance would have purchased only two *modii* of corn, and actual prices were at this date somewhat higher. Pay however was amply supplemented by annual donatives given on the birthdays and accession days of the members of the imperial college, and also on their consulates. Legionaries and other first-class troops received 1,250 denarii for each celebration of an Augustus, and half that sum for those of Caesars. They would therefore have made a regular 7,500 denarii a year, and more in the many years when the emperor held the consulship. Auxiliaries did not fare nearly so well in donatives, receiving, it would seem, only 250 denarii for the celebration of an Augustus, that is 1,250 a year.<sup>31</sup>

Diocletian was therefore exaggerating when in the preamble to his edict on prices he declared that owing to the exorbitant avarice of traders the whole of a soldier's *stipendium et donativum* might be exhausted by a single purchase. But pay, even including donatives, was poor for legionaries and miserable for auxiliaries, and its real value must have continued to sink as the denarius depreciated yet further. These annual payments still continued in Julian's day. In 360 he complained to Constantius II that his troops had received no yearly pay (*annuum stipendium*) since his accession as Caesar, and Ammianus confirms that Constantius had withheld their *stipendium et donativum*. Gregory of Nazianzus describes how Julian, when Augustus, combined a pagan sacrifice with the distribution of pay to the troops 'either at the regular annual distribution or at one specially devised for the purpose'. In other passages Ammianus uses the terms *stipendium* or *donativum* synonymously to denote the

gold payment made on the accession of an emperor and its quinquennial celebrations, and there is no certain allusion to an annual payment later than Julian's reign. It probably survived until Theodosius I's reign, when Ammianus wrote his history; otherwise he would have commented on its disappearance. But eventually, having become of quite nugatory value, it lapsed.<sup>32</sup>

Whatever happened to the annual *stipendium* (*et donativum*) the accession and quinquennial donatives were always the most important part of the soldier's cash receipts. The amount of the former was five solidi and a pound of silver (equivalent to nine solidi in all). This figure is first recorded on Julian's proclamation as Augustus in 360, and the same sum was paid on the accession of Leo, Zeno, Anastasius, Justin and Tiberius Constantine: it was no doubt standard throughout the period. The amount of the quinquennial donative is first recorded under Anastasius and Justinian, when it was five solidi: this again was probably a fixed traditional sum. As donatives were paid on the accession and subsequent quinquennial celebration of all members of the imperial college, they normally occurred more than once every five years.<sup>33</sup>

The department of the *largitiones* was responsible for providing the cash for *stipendia* and *donativa*. It was Ursulus, Constantius II's *comes sacrarum largitionum*, who, seeing the ruins of Amida, bitterly remarked: 'See with what courage our cities are defended by the troops, for whose lavish pay the reserves of the empire are now exhausted', and Mamertinus, appointed to the same post by Julian in 361, similarly complains of the difficulty of exacting from the exhausted provinces the sums required for the pay of the troops, then in arrears for several years. The department was also, it would seem, normally responsible for distributing the cash to the troops. Venustus, an official of the *largitiones*, was conveying a large sum of gold to the East, which he was to distribute individually to the troops, as *stipendium* (probably accession donative), when he was nearly intercepted by the usurper Procopius and took refuge in Nicomedia. Valentinian sent a tribune and notary, Palladius, to distribute *stipendium* to the troops in Africa, but this was probably an exceptional case: Palladius' main mission was to report on complaints brought against Romanus, *comes Africae*, by the Tripolitanian cities, and it was no doubt thought convenient to combine the two tasks.<sup>34</sup>

The *sacrae largitiones* were also responsible for providing, and probably for distributing, clothing for the troops. The uniform apparently comprised three garments, a shirt (*sticharium*), tunic (*chlamys*) and cloak (*pallium*); but we do not know how often they were renewed. There is little allusion to the issue of boots, belts or

other leather equipment. In 310-12 a curial superintendent of boots at Oxyrhynchus submitted 'the account of the collection and delivery of boots carried out by me', in which he states that he had delivered 700 pairs for the use of a legion. In a law dated 344 bootmakers (*calcarientes*) are classed with armourers (*abricenses*) in a way which suggests that there were then imperial boot factories; but no such establishments appear in the *Notitia Dignitatum*, and presumably boots were then obtained as in 310-12 by levy. The issue of uniform was already by the end of the fourth century beginning to be commuted for gold: in 396 Arcadius directed his *comes sacrarum largitionum*, Martinianus, to pay the troops in Illyricum one solidus instead of the two *tremisses* hitherto allowed for their tunics. Issue of actual garments was not, however, altogether abandoned. In 423 it was ruled that five-sixths of the yield of the clothing tax (now commuted for gold) should be devoted to the payment of cash clothing allowances to the troops, and one-sixth allocated to the state clothing factories for the production of uniforms for recruits and private soldiers. Recruits were, according to a law of 375, provided by the *capitularius* who presented them with an allowance of six solidi for buying their uniform and for other initial expenses.<sup>35</sup>

Arms came under another department, being manufactured in state factories controlled at first by the praetorian prefects and later by the master of the offices. There is no record of how they were issued or how often they were renewed. The issue of arms was apparently not commuted until the sixth century.<sup>36</sup>

Horses were the responsibility of yet another department, that of the tribune (later *comes*) of the stable, an officer of the *comitatus* who ranked with the tribunes (or *comites*) of the *scholae*: he commanded the corps of *stratores* (or grooms), one of whose duties it was to examine the horses levied from the provincials by the governors. Valentinian I specified the requirements of age, height and build in order to check the arbitrary rejection of horses (with a view to extortion), and limited the fee which the *strator* charged for each horse to one solidus. The *comes stabuli* also drew a fee of two solidi on each horse requisitioned, which must have brought him in a very handsome income. The levy and issue of horses were later commuted. As early as 367 Valens ordered that on the imperial estates the procurators, who were already actually levying 23 solidi per horse from the tenants and with the money buying broken-down horses, should henceforth pay the 23 solidi to the government. In 401 several constitutions were issued reforming the levy and issue in the African diocese. In Proconsularis and Numidia the provincials had hitherto paid 20 solidi per horse,

apparently including the 2 solidi which went to the *comes stabuli*. This payment was reduced to 18 solidi, ostensibly (in an edict to the provincials) by abolishing the count's fee; but actually (in instructions to the praetorian prefects and *comes sacrarum largitionum*) the count continued to get his perquisite out of the reduced sum. In Byzacena and Tripolitania there was a corresponding reduction from 17 to 15 solidi. Out of these sums the soldiers were paid 7 solidi to buy their horses; the treasury presumably absorbed the balance.<sup>37</sup>

Finally rations (*annona*) for the men and fodder (*capitus*) for the horses were the responsibility of the praetorian prefecture, acting through the vicars and provincial governors. The system whereby the foodstuffs required were collected and delivered to the government storehouses (*horrea*) has been described in an earlier chapter. From the storehouses they were drawn and distributed by regimental quartermasters, generally known as *actuarii* (*subscribendarii*, ὑπομνηματοφύλακες) or *optiones* (*annonarii*): these were perhaps different grades, the former being superior. These men were not soldiers. In 333 Constantine apparently for the first time gave them some official status as *condicionales*, which seems to mean regular employees of the government, assigning them rations, at the rate of two *annonae* for actuaries and one for *annonarii*, and making them immune from poll tax during their service. To those whose conduct was satisfactory he promised a dignity on retirement, but they were forbidden to apply for one while serving. Their salaries, though not their status, later rose. Valentinian I assigned to the actuaries of units of *palatini* or *comitatenses* six *annonae* and six *capitus*, and to those of the *pseudocomitatenses* four *annonae* and *capitus*. They were to receive the rank of *perfectissimus* or even a higher grade after satisfactory service for ten years. They continued, however, to lack the privileges of military status, doubtless in order that they might be liable to torture if suspected of peculation or extortion.<sup>38</sup>

The static units of the *limitanei* apparently drew their rations and fodder from storehouses within or adjacent to their forts: it was normally the duty of the curial officers appointed to collect and transport the *annona* to deliver it to the fort, but in more remote stations, according to a law of 369, the troops had to transport one-third themselves, receiving two-thirds delivered to the store. Foodstuffs were also received from the *primipili* of provinces remote from the frontier. In the storehouse they were in charge of



a curial officer, sometimes a special *praepositus horrei*, sometimes the *susceptor*, who had collected them. He issued them to the *actuarius* or *optio* of the unit against warrants (*pittacia*). Valentinian I in 364 laid down the rigid rule that the *susceptor* must make the issue day by day and insist on receiving the daily warrants before making delivery, but next year allowed two days' issue to be drawn at once. Valens in 377 again enacted that rations must be drawn daily but weakly added (probably for the benefit of officers) 'or at the proper time, that is before the year has elapsed'.<sup>39</sup>

Units of the field army might receive their supplies by a similar system; under Gratian regiments of *comitatenses* in Illyricum drew their rations from storehouses stocked with supplies delivered to them by *primipili*. But as they had no fixed stations, more flexible arrangements were often generally made for them. Warrants (*litterae delegatoriae*) were issued to them by the praetorian prefect, entitling them to draw their supplies from the revenues of a given province, normally it may be presumed that in which they were for the time being stationed or a neighbouring one. A soldier entitled an *opinator* was despatched to the provincial governor to take delivery. According to elaborate rules laid down by Honorius in 401, the governor was to make delivery within a year through the regular machinery of collection, and not in any circumstances to allow the *opinator* to extract arrears himself from the taxpayer. If at the end of the year any arrears were still outstanding, the governor and his *officium* were not to detain the *opinator* any longer, but deliver whatever was lacking from their own pockets, recovering it at their leisure from the recalcitrant taxpayers. In 429 these rules were so far relaxed that the *opinator* was allowed to exact the debt from the landowner if payment was not made in four months.<sup>40</sup>

The above arrangements applied to the field army when at peacetime stations. When a large expeditionary force was assembled for operations special arrangements had to be made. In the fourth century, when an emperor normally took command himself in such circumstances, he was attended by his praetorian prefect, or the prefect of the area in which operations were taking place, who personally organised the collection of supplies. Thus when in 354 Constantius II assembled an army at Cabillonum to attack the Alamans, his praetorian prefect Vulcacius Rufinus was blamed for the delay in the arrival of supplies; they had to come all the way from Aquitania and their transport had been held up by spring rains and the consequent spate of the rivers. In 358 Julian was similarly held up at Paris awaiting supplies from Aquitania. In the following year he revived the old practice of shipping supplies

direct from Britain up the Rhine, and his prefect Florentius brought up more from the interior of Gaul. In the fifth century, when emperors no longer normally took the field, it became the practice to appoint a deputy praetorian prefect *ad hoc* to organise the supplies of an expeditionary force. The first instance known is Pentadius, appointed quartermaster by Theodosius II to the seaborne expedition sent in 441 against the Vandals in Africa.<sup>41</sup>

Great efforts were made to check over-issues. According to rules laid down in 398 in the Eastern parts, the masters of the soldiers were before the beginning of each indiction to send in to the imperial *scrinia* returns of unit strengths, and the praetorian prefect was to check issues made by the *susceptores* against these returns, copies of which were furnished to the *susceptores*. There were obvious possibilities of collusion between the actuaries of units and the *numerarii* of the military *officia* who drew up the returns, and later in the same year all intercourse between the two was prohibited, and actuaries were ordered to leave Constantinople within fifty days. Seventeen years later, on the contrary, the master of the soldiers in the East reported that his *scriniarii* had been abusing their control of the accounts to extort money from the actuaries.<sup>42</sup>

Despite these precautions actuaries had many opportunities of cheating the government, the taxpayers, and the troops: they were, according to Aurelius Victor, 'a race of men . . . created by nature for carrying out and concealing frauds'. The imperial government, it is evident from the Codes, viewed them with deep suspicion, but they seem, curiously enough, to have been popular with the troops; they may have normally cheated the state or the provincials in the interest of their units, or perhaps, as Aurelius Victor seems to suggest, while regularly bilking the soldiers, they won their goodwill by occasional lavish acts of generosity. When Julian on his proclamation as Augustus announced to the troops that he would reward merit by promotion, the Celtae and Petulantes clamoured that their actuaries be given provincial governorships, and under Jovian a retired actuary accused of malversation succeeded in raising a mutiny in which the officer examining his accounts was killed.<sup>43</sup>

The ration normally consisted of bread, meat (either fresh veal or pork or salt pork), wine and oil. In response to a complaint from the city council of Epiphaneia that the cost of matured wine was excessive, it was enacted in 398 that from November new wine from the vintage of that year should be supplied: this rule remained in force under Justinian. On active service biscuit (*bucellatum*) was partially substituted for bread, and sour wine

(*acetum*) for wine, while the proportion of salt meat was increased: the diet laid down in 360 was two days biscuit and one bread, wine and vinegar alternate days, and two days veal and one day salt pork. The troops on taking the field had to draw and themselves carry twenty days' rations. The only ration scales known to us come from sixth-century Egyptian papyri. Some of these are positively gargantuan—3 lb. of bread, 2 lb. of meat, 2 pints of wine and  $\frac{1}{8}$  pint of oil per day—but these must have been obtained by some financial juggling, perhaps by spending the fodder allowance on the troopers' food and starving the horses.<sup>44</sup>

The grinding of the corn and the baking of the bread or biscuit was a *sordidum munus*, imposed on the civil population, normally the bakers' guilds in the towns and the landowners in the country. When *bucellatum* had to be baked for an expeditionary force, all privileges and exemptions were suspended, and even those of the highest rank had to take their share in the task. Joshua the Stylite gives a striking picture of the problem presented by the army assembled in Mesopotamia for the Persian war in 503-5. Apion, the deputy of the praetorian prefect in charge of supplies, compelled not only the bakers but the private citizens of Edessa to bake at their own expense: they handled 630,000 *modii* in 503 and 850,000 in 504, and in the latter year Apion went to Alexandria to arrange for bread to be baked there also and conveyed to Mesopotamia.<sup>45</sup>

The main component in the fodder ration was barley, which was supplemented by hay and chaff. The troops were expected to collect their hay and chaff themselves up to a radius of twenty miles; otherwise fodder, like rations, was drawn from the storehouses. A constitution issued to the praetorian prefect of the East in 362 implies that army horses were normally put out to pasture in spring and summer; it rules that fodder is not to be issued to the troops until August 1, by which date the grass would have dried up in the Eastern provinces. Units of *limitanei* often had areas of permanent pasture (*paludes*) assigned to them, on which they could graze their beasts. Grazing the animals of field army units caused more trouble. In 398 Arcadius forbade the use by the military of the public pastures of the city of Apamea or the private pastures of Antiochene citizens, and rather vaguely ordered the city councils, which had apparently complained that their land was being ruined by overgrazing, to make provision for grazing military animals. In 415 the praetorian prefect of the East and the master of the soldiers were instructed in general terms to prevent landowners being injured by military demands for pasture.<sup>46</sup>

Commutation of rations and fodder began as an abuse. In 358 Constantius II ordered *duces* to accept the supplies brought by

*primipili* to their provinces in kind, and not to extract extortionate sums from them by demanding money instead at a high rate of prices. But in 365 Valens ordered that *limitanei* should receive rations in kind for nine months, and money for the other three: his brother laid down a schedule of prices for commuting the issues. In Illyricum Gratian ruled that *primipilares* should produce supplies in kind for *comitatenses*, but money for *limitanei*, but Theodosius I ordered that all deliveries by *primipili* should be commuted for gold, laying down a tariff: in 396 it was ordered that the supplies of *primipili* should be commuted at the prevailing market prices.<sup>47</sup>

In the East it was still insisted in 393 that *comitatenses* must accept the supplies allocated to them by *litterae delegatoriae* in kind, and not refuse to take them when they were abundant (and cheap), and later when they were scarce (and dear) demand money commutation at high prices. In 406 Arcadius enacted that rations in kind should be issued only for men actually present, the rest (including rations appropriated from the troops by officers) being commuted. *Limitanei* were apparently by this time paid entirely in money. In a law dated 409 it is stated that in the three Palestines all supplies had been commuted at a fixed tariff, and the *officium* of the *dux* was forbidden to revive issues in kind or to exceed the tariff prices. The rules for commutation were extremely complicated. In some cases a fixed ration allowance (called *aeraria annona*) was paid, in others rates of commutation were laid down by the praetorian prefects annually, varying from province to province; in other cases they followed local market prices.<sup>48</sup>

In the East units of *comitatenses* and *palatini* seem thus to have continued to receive rations in kind for the rank and file actually on strength. In the West the *scholae* and *palatini* and *comitatenses* were by 396 already allowed to take money, at prices fixed in the *delegatoria*, and not in excess of the tariff laid down by Valentinian I. By the early fifth century all rations were apparently commuted for gold. *Opinatores* by this time collected gold, and not supplies in kind, and Valentinian III, in a constitution regulating the finances of the African provinces retroceded by the Vandals in 445, alludes to commutation of *annonae* and *capitus* as an established custom: he fixed the value of an *annona* at four solidi per annum, and laid down the prices which soldiers were to pay for wheat, meat and wine.<sup>49</sup>

Since the reign of Septimius Severus soldiers had been allowed to marry and have their families with them at their stations. It must have been in some special circumstances that Constans in 348

instructed his praetorian prefect that for those soldiers who had received imperial permission for their families to come to them, he should provide transport for their wives, children and personal slaves. Down to 372 the sons of serving soldiers were entered on the roll of the regiment and received rations, but in that year Valentinian I ordered that until they were fit to bear arms they must be fed by their parents. In the Eastern parts soldiers' families were still drawing rations under Valens in 377, but Theodosius I must have enforced the Western rule, for Libanius in 381 complains that though soldiers were allowed to marry they received no maintenance for their families, and had to feed their wives and children from their own rations. Later, in the Eastern parts at any rate, the government reversed its policy. In 406 Arcadius enacted that rations should be issued in kind not only to the troops but to their families, if actually present. In 409 Theodosius II laid down a detailed schedule of prices, varying from place to place, for commuting the rations of soldiers' families in the dioceses of Oriens and Egypt.<sup>50</sup>

The static units of the *limitanei* were lodged in forts or permanent camps, mostly in villages or in the open country: some of the larger units, legions and vexillations, were stationed in cities, probably also in permanent barracks. The mobile units of the *palatini* and *comitatenses*, on the other hand, except when actually on campaign, when they naturally lived under canvas, were normally billeted in cities. Certain privileged categories, the clergy, doctors, teachers, armament workers and painters, were exempt, and the burden fell only on private houses (and inns), not on shops or workshops. The ordinary citizen had to surrender one-third of his house to his 'guest' (*hospes*). The usual friction resulted. The householder was not legally supposed to provide anything but bare rooms. The soldier tended to demand bedding and wood and oil for heating and lighting. In 340 Constans rather weakly ruled that householders might voluntarily provide such things, but that soldiers were not to extort them by violence; but a few months later Constantius II forbade the practice (known as *salgammum*) absolutely, a prohibition repeated by Theodosius I in 393 and by Theodosius II in 416. Another abuse prohibited in the Code is *cenaticum*, which is not defined but must presumably have been a free supper. Officers were inclined to demand baths. This was prohibited to tribunes and *comites*, and conceded only to the masters of the soldiers. Despite this prohibition, made in 406, the *dux* of Euphratensis between the years 414 and 417 was exacting a *tremissis* a day from his hosts for his bath (including fuel).<sup>51</sup>

Joshua Stylites paints a lurid picture of billeting in his account of

Edessa during the years 503-5. Owing to the very large numbers of the army which had been assembled troops were billeted not only in inns and private houses, but, contrary to the regulations, in shops and on the clergy. The soldiers turned the poor out of their beds, stole their clothes and provisions, made them wait on them, and beat them up into the bargain: furthermore they exacted oil, wood and salt. In 505 the poor townsmen protested that the rich landowners ought to share the burden, and the deputy praetorian prefect agreed. The landowners then asked the *dux* Romanus that, to prevent the soldiers plundering their houses as they had those of the humble townspeople, he should define what they were entitled to demand. The *dux* ruled that they were entitled to a bed (with bedding) between two men, and to 200 lb. of wood and a fixed quantity of oil per month: so much for the law prohibiting *salgammum*.<sup>52</sup>

Not all soldiers bullied their hosts, but they often brought other troubles on their families. One man, whose unit was posted in 396 to Edessa, made himself so agreeable to his landlady, a respectable widow, that she was persuaded to let him marry her daughter Euphemia. It emerged, when he returned to his regular station, that he already had a wife, and Euphemia became the wife's slave and was cruelly treated by her. Eventually justice prevailed in this case. Euphemia escaped to her home: the soldier was again drafted to Edessa. There he was confronted with his victim and the case was taken up by the bishop, who reported it to the *magister militum*. The soldier was duly charged with kidnapping and sentenced to death.<sup>53</sup>

In these circumstances cities did not like to have troops billeted on them, and some commanders made money out of their dislike. Synesius, having explained how Cerealis *dux* of Libya made his profit out of the *limitanei*, goes on: 'since he could not exploit the foreign troops, he exploited the cities through them, marching them about and changing their stations not for strategic but for financial reasons; for the cities, finding their presence a burden, paid gold'.<sup>54</sup>

To treat casualties and sickness each unit had its regimental doctor or surgeon (*medicus*). The spiritual welfare of the troops was also provided for by regimental chaplains. Sozomen attributes the institution to Constantine, but as Eusebius, in his detailed description of Constantine's efforts to convert the army, does not mention them, this is probably untrue. Regimental chaplains are first heard of about the middle of the fifth century in the East. Between 456 and 465 Saba was invited by his father, by now called Canon, and tribune of the Isaurian regiment at Alexandria, 'to join

up and become priest of the unit'. About the same time Theodoret wrote a letter of introduction for the deacon Agapetus of the Syrian Hierapolis, 'who has been appointed to guide a military regiment in the things of God', and was on his way to Thrace, where his unit was stationed at the time. Theodoret is so ecstatic in his language—'the foster sons of piety and those deemed worthy of the priesthood direct not only provinces, cities, villages, estates and farms: but the regiments of soldiers stationed in the cities and villages themselves too have consecrated shepherds'—that it looks as if military chaplains were a novelty in his day.<sup>55</sup>

The rules for leave were extremely strict. Constantine enacted that no *praepositus*, decurion or tribune of a cohort might grant leave (*commeatus*) to any soldier: if he disobeyed and during the soldier's absence there were no hostilities, he was punished with deportation and confiscation of his property, and if there was an attack, by death. Constantius II modified these drastic penalties: by a constitution addressed to Silvanus, the master of the soldiers, tribunes and *praepositi* were to be fined 5 lb. gold per man if either they allowed their men to go on leave or the man left the colours without permission. The grant of leave was thus in theory reserved to higher ranking officers—the *dux* of the province or a *comes rei militaris* or *magister militum*. The strictness of the regulations was probably intended to check the grant (for a consideration) of extended or indefinite leave: this is known to have been a standing abuse in the late fourth century.<sup>56</sup>

Promotion was, as in the civil service, more or less automatic by length of service, varied by merit or by graft. Of the latter we have a curious document, a formal contract dated 2 February, 345, whereby Aurelius Plas, a veteran, promises Flavius Abinnaeus, former *praepositus*, that 'when you secure a promotion in the name of my son of decurion in the Ala Quinta Praelectorum at the fort of Dionysias, whatever you give on account of the said promotion, before God, as you give, I, Plas, will repay you in good faith in full'.

On first joining the colours a man ranked for a while, presumably during training, as a recruit (*tiro*). During this time he apparently did not yet receive the full pay and allowances of a soldier. The author of an anonymous pamphlet addressed to Valentinian and Valens suggested that an inexpensive way of strengthening the army would be to keep fifty and 100 men with the status of recruits attached to each unit over and above the establishment, to which they would be admitted as vacancies occurred. After this initial

training he became a private (*pedes*) or trooper (*eques*) and might in due course be promoted to the grade of *semisalis* and then to non-commissioned rank. In the units which went back to the Principate, the legions, cohorts and *alae*, the old non-commissioned grades, including decurion and centurion, were preserved. In the new types of formation dating from the third and fourth centuries, the vexillations and the *auxilia* and the *scholae*, the grades were quite different, in ascending order *circitor*, *biarchus*, *centenarius*, *ducenarius*, *senator*, *primicerius*. There were also specialist appointments, such as the regimental drill instructor (*campidoctor*) or standard bearer (*draconarius*).<sup>57</sup>

Non-commissioned officers received multiple *annonae* and (in cavalry units) *capitus*. A *semisalis*, as his title implies, received one-and-a-half *annonae* (one *capitus*). The scale then rose to two *annonae* (one *capitus*) for a *circitor* or *biarchus*, two-and-a-half (one) for a *centenarius*, three-and-a-half (one-and-a-half) for a *ducenarius*, and probably four (two) for a *senator*. The *primicerius* of the unit received five *annonae* (two *capitus*). These rates are recorded for military clerks in Justinian's reign, but the one figure known from an earlier period, two *annonae* for a *circitor* in Constantine's reign, agrees with them. It is fairly certain that the scales had not been raised in the interval, and they may well have been lowered. The anonymous author mentioned above complains of the heavy expense entailed by the number of men earning five *annonae* or more; under Justinian's scales even the *primicerius* got only five *annonae*. Promotion according to the same author was excessively slow, so slow as to discourage the recruitment of volunteers. He recommended, to cure both these ills, that men should be promptly discharged with *honesta missio* when they reached the five *annona* scale, and that, if nevertheless bottlenecks blocked promotion, men should be transferred to other units where there were vacancies.<sup>58</sup>

Thus far promotion was within the unit, for transfers from one regiment to another were discouraged. By a constitution addressed in 400 to Stilicho *comites* and *duces* were informed that they had no authority to transfer men from one unit of *comitatenses* or *palatini* to another, nor yet from the *pseudocomitatenses* or *riparienses*: such advancements could only be made on imperial authority. By the next stage of promotion, the soldier rose to be a cadet officer, *protector*, and broke his connection with his original unit. It was only a minority, naturally, who achieved commissioned rank. But it would seem to have been a fairly common practice for deserving veterans to be discharged with *testimoniales ex protectoribus* or the honorary rank of *protector*, or even with *epistulae ex tribunis* or *ex praepositis*.<sup>59</sup>



The length of service required to qualify for discharge varied from time to time, and according to the status of the unit in which the soldier served. In 311 men serving in the legions and vexillations were entitled to honourable discharge (*honesta missio*) after twenty years' service, but did not achieve the full privilege of veterans (*emerita missio*) unless they completed twenty-four years. Constantine at first applied these rules only to *comitatenses*; in legions and vexillations of the *riparienses* soldiers had to serve twenty-four years for a *honesta missio*. But in 325 he granted to *riparienses* the same privileges as to *comitatenses*. The terms of service for the cohorts and *alae* are not recorded, but doubtless were more exacting. These periods were minima, on completion of which a man might claim discharge. He could serve longer: the suggestions of the anonymous author mentioned above imply that senior non-commissioned officers, earning high rates of pay, tended to stay on too long, and inscriptions record men who served as much as forty years or died, still non-commissioned officers, at such advanced ages as sixty.<sup>60</sup>

Men disabled by wounds or rendered unfit for service by sickness or advancing years might receive a *causaria missio*. The rules for this, as enunciated in a law of Constantine, were complicated and obscure. *Comitatenses* apparently received the privileges of *emerita missio* if invalided out for any reason at any time, but *riparienses* only received those of *honesta missio* if discharged owing to wounds after sixteen years' service.<sup>61</sup>

As a veteran the soldier received a number of important privileges, which varied from time to time according to his length of service, his rank on discharge, and the status of the unit in which he had served. All veterans enjoyed immunity from polltax (*capitatio*). Under the regulations laid down in 311 those who had served in the legions and vexillations for 20 years, or had been discharged for wounds, also received immunity for their wives, and those who served the full twenty-four years gained immunity for four *capita*. Constantine reduced these concessions. The maximum exemption was two *capita* (for the man and his wife), and this was reserved for *comitatenses* and *riparienses* (that is men from the legions and vexillations) who had served twenty-four years, and *comitatenses* who were invalided out. In addition veterans were exempted from corvées, market dues and customs, and also from the *collatio lustralis* (up to a limit of capital invested, fixed at 15 solidi in 385). They were, moreover, what was most important, immune from curial duties, which might otherwise have fallen upon them as landowners.<sup>62</sup>

Veterans were also given positive rewards. They had the option

of taking up trade, in which case they received a cash grant, amounting in Constantine's reign to 100 *folles*, or of an allotment of land, in which case they also received under Constantine a pair of oxen, 100 *modii* of seed corn, and twenty-five *folles* for initial expenses. Valentinian I no longer made a cash grant, but doubled the number of oxen and the amount of seed corn for those veterans who were discharged with the rank of *protector*. The allotments of ordinary veterans would, to judge by the quantity of seed, have been fairly substantial peasant holdings of about twenty *iugera* of arable (and as much again for the alternate fallow year). Since they were normally taken from deserted lands, the soil was probably of inferior quality and in poor condition: but they were tax free, a very important consideration.<sup>63</sup>

A man promoted from the ranks first became a *protector*. The organisation of the *protectores* is an obscure and tangled problem. Even before Diocletian's reign there was a corps of *protectores* in attendance on the emperor. Later, probably under Constantine and certainly by the middle of the fourth century, these *protectores* came to be distinguished as *domestici*, and their commander to be called the *comes domesticorum*. There still continued to be plain *protectores*, who naturally ranked lower than the *domestici*. They were apparently under the command of the *magistri militum*, but though operationally scattered formed for establishment purposes a single corps, in which promotion went by seniority. Among the *domestici* some actually served in the *comitatus* (*praesentales*), others were seconded (*deputati*) to the *magistri militum* and other commanders. In the fourth century the *domestici*, like the *protectores*, formed for establishment purposes a single corps, but operationally they seem to have been divided into four *scholae*, a junior and a senior of infantry and of cavalry. From the early fifth century infantry and cavalry became separate corps, commanded by a *comes domesticorum peditum* and *equitum* respectively.<sup>64</sup>

We have no clue to the number of the ordinary *protectores*. Julian cut down the number of *domestici praesentales* to fifty in each *schola*, that is probably 200 in all. As Julian's reduction of the *comitatus* was drastic, it is probable that numbers were normally much larger; and even Julian did not reduce the *deputati*. Both *domestici* and *protectores* served as staff officers, and were assigned by the emperor and the *magistri militum* and other commanders to whom they were seconded to a great variety of special duties. They were sent to round up the sons of veterans or vagrants for

enrolment in the army, and to convoy recruits to headquarters. They were posted on the roads to inspect wagons and enforce the regulations limiting their loads, and at ports to examine cargoes and prevent goods on the prohibited list being exported to the barbarians. They were used to arrest important persons and escort them to their destination. They were also employed for more specifically military missions. Thus a group of tribunes and *protectores* were in 359 entrusted with the task of preparing emergency fortifications along the right bank of the Euphrates.<sup>65</sup>

*Protectores* and *domestici* could, and it would seem normally did, obtain their commissions by appearing personally before the emperor and 'adoring the sacred purple': the emperor's verbal command 'adorato protector' or 'adorato protector domesticus' required no documentary confirmation. This procedure did not apply to veterans who were discharged *ex protectoribus*. These received a written document (*epistula, litterae* or *testimonialis*).<sup>66</sup>

Ideally entrants to the corps were soldiers who by meritorious service had proved their worth, and we know of a number of ranker *protectores*, particularly from an early date. Valerius Thiumpus, who probably lived under Diocletian, served in legion XI Claudia and in the Lanciarii before becoming a *protector*, and Flavius Baudio, a *protector* who was probably killed in Constantine's war with Maxentius, had been previously a centurion of legion II Italica Divitensis. Flavius Marcus served twenty-three years in a vexillation before being promoted to *protector*. These examples come from inscriptions. Ammianus mentions that in 365 Jovian enrolled Vitalianus, a soldier of the Herul regiment, among the *domestici*, and tells how Gratian, the father of Valentinian I, owing to his remarkable strength and skill in wrestling, was promoted *protector* from the ranks.<sup>67</sup>

A papyrus furnishes another example. In a petition to the emperors Constantius and Constans Flavius Abinnaeus tells his story. 'I was transferred to the vexillation of the Parthosagittarii, stationed at Diospolis in the province of the Upper Thebaid. But after the lapse of thirty-three years I was ordered by Senecio, formerly *comes* of the frontier of the same province, to escort refugees of the tribe of the Blemmyes to the sacred footsteps of your piety at Constantinople. We arrived there with envoys of the above-mentioned tribe and the *comes* of the same frontier, and when they had been presented to your clemency, your divinity ordered me to adore your venerable purple from the rank of *ducenarius*.'<sup>68</sup>

From an early date, however, civilians were posted to the corps directly, and the emperors, while expressing disapproval of those who obtained a commission by influence or interest, in practice

acquiesced in the abuse. The directly commissioned *protectores* were often the sons of fathers high up in the service. As early as 354 we find Herculanus, son of Hermogenes the *magister equitum* who had been lynched in 342, serving as a *protector domesticus*, and Jovian, son of Varronianus, *comes domesticorum*, had in 363 become the *primicerius* of the corps at the age of 33: he can hardly have had time to serve in the ranks. The sons of German nobles were also sometimes posted directly into the corps. An inscription records one Hariulfus, son of Hanhavalodus, of the royal family of the Burgundians, who was already a *protector domesticus* when he died at the age of twenty. But rather humbler folk also found their way into the corps. Constantius II ordered it to be purged of decurions, and in 366 Valentinian ordered that former officials of the praetorian prefects and provincial governors who were serving as *domestici* should be cashiered, except for those who had legally adored the sacred purple, a privilege reserved to retired *cornicularii* of the prefects.<sup>69</sup>

In 364 Valentinian drew an official distinction between those who entered the corps after long service and were 'greedy of nothing more than of glory' and those 'who adored the sacred purple by the interest or favour of the great'. The latter had to pay fees to the amount of fifty solidi to the senior members of the corps, while the former were let off with between five and ten solidi. But he at the same time made the rather surprising concession that the sons and relatives of *domestici* were to be enrolled in the corps as children, and issued with rations at home until of age for active service. This must have meant that a considerable number of *domestici* henceforth started their career in the corps without any previous service in the ranks.<sup>70</sup>

In the fourth century the corps of the *protectores* and the *domestici* served as a kind of staff college in which potential regimental commanders were given practical training and their initiative and capacity for taking responsibility was tested. It was normal for members of the corps to be promoted after a few years' service to the command of a unit. Thus the above-mentioned Valerius Thiumpus became prefect of Legion II Herculia after five years as *protector*, and Flavius Memorius, after twenty-eight years' service in the Ioviani and six as *protector domesticus* was appointed prefect of the Lanciarii Seniores. Flavius Abinnaeus was also quite soon promoted. His story continues: 'I was accordingly ordered to conduct the aforesaid envoys to their native country. I spent three years with them, and on my return I brought recruits from the province of the Thebaid to your sacred court, whom I delivered at Hierapolis. And so, after I had been given my discharge, your

clemency deigned to promote me prefect of the *ala* at Dionysias in the province of Egypt.' Ammianus records several similar cases. The elder Gratian rose rapidly to tribune—and thence to *comes Africae* and *comes Britanniarum*. Vitalian, whom Jovian enrolled in the *domestici* in 363, had by 380 become *comes rei militaris* in Illyricum, and Aelianus, who had led a sortie from Singara as *protector* about 350, was already a *comes* in 359. Ammianus, speaking of himself, remarks that, when Ursicinus was in 356 appointed *magister equitum per Orientem*, 'the older members of our group (the *domestici* serving on Ursicinus' staff) were promoted to commands, and we younger ones were ordered to follow him, to perform whatever duties he entrusted to us in the public service'.<sup>71</sup>

The corps must therefore in the fourth century have had a rapidly changing membership, and it cannot have taken many years to rise to be its *primicerius*. By the end of the century things seem to have changed. The *domestici* by now included many absentee members, 'who have never applied themselves to our service or, seconded to certain offices, executed public orders'. These men were apparently merely waiting for automatic promotion by seniority within the corps; for when in 392 Theodosius ordered them to be cashiered, he conceded that they might apply for readmission, and if they were reinstated within a year or two would retain their seniority; only if they managed through interest to be restored after a long interval did they lose it, being placed where they would have been if they had been readmitted after two years. This purge was undertaken on the petition of the active *domestici*, who were doing their duty, and it was extended two years later, probably on their request, to the corps of *protectores*. A letter from Symmachus to Flavian reveals similar slackness in the West. He asks Flavian to invent a job in the Suburbicarian provinces for a client of his, the *protector* Valentinianus, or at any rate to get him leave of absence, so that he can pursue his domestic avocations without incurring a disciplinary penalty.<sup>72</sup>

Both corps seem by the beginning of the fifth century to have ceased to be training colleges, whence unit commanders were drawn: their members apparently expected to spend their lives within the corps and the culmination of their career was to get to the top of it, and then retire. In 414 Honorius granted senatorial rank (with the grade of *consulares*, and without any of the usual attendant expenses) to the *decemprimi* of the *domestici*, that is the ten senior members after the *primicerius*, and two years later Theodosius II followed suit in the East, and extended the same privilege to the *decemprimi* of the *protectores*. In 432 the honours of the *primicerius* of the *domestici* were increased: he henceforth on receiving a

tribunate ranked as *spectabilis* with retired *duces*. It was moreover provided that if the senior *decemprimus* died before entering on the office of *primicerius*, his heirs should be consoled by receiving the emoluments he would have earned had he survived.<sup>73</sup>

Absenteeism continued to be common. Towards the end of his reign Theodosius II enacted that those who absented themselves without leave for two years should lose five places in seniority: those away for three years lost ten places, and four years' absence sent a man to the bottom of the list, while after five years he was cashiered. The corps were evidently well on their way to becoming, if they had not already become, the ornamental bodies which they were in the sixth century in the East. In the West they were, like the *scholae*, pensioned off by Theoderic.<sup>74</sup>

Regimental commanders were known as tribunes, prefects or *praepositi*. Tribune was the commonest title, and was often used loosely for all commanding officers. It was strictly accurate for the officers of the *scholae* and the vexillations, *auxilia* and legions of *comitatenses* and *palatini*, and also of the cohorts of the *limitanei*. Prefect was the correct title of commanders of legions or detachments of legions, vexillations, *alae*, *numeri* and fleets in the *limitanei*. *Praepositus* appears to have been strictly the title of a post, and not a rank: an officer might hold the rank of tribune or prefect, and be described as *praepositus*, or 'officer commanding', a given unit. There were also *tribuni vacantes*, who were (temporarily) without a unit, and served on the staff of the emperor or a general, and were employed for special duties. Julian sent one of his *tribuni vacantes* as envoy (and spy) to the Alaman king Hortarius in 359. The tribunes who, together with *protectores*, attended Ursicinus, when he was sent to arrest Silvanus, were presumably *vacantes*, as were those who, again with *protectores*, supervised the fortification of the bank of the Euphrates. *Tribuni vacantes* are also recorded in battle casualties.<sup>75</sup>

We are told by Lactantius that Constantine attained the rank of *tribunus ordinis primi* in the *comitatus* of Diocletian. There is no later reference to tribunates being officially graded, but they obviously differed very greatly in importance according to the unit involved. A tribune of a cohort or a prefect of an *ala* in the *limitanei* had far less responsibility and less opportunity for distinguishing himself than the tribune of a regiment of *comitatenses* or *palatini*. The highest ranking tribunates were those of the *scholae*, who fought immediately under the emperor's eye. It was a promotion

for an officer to be moved, as was Valentinian by Jovian, from the command of a vexillation of the field army to that of a *schola*, and tribunes of the *scholae* very frequently ended their careers as *magistri militum*: Ammianus disapproved of the direct promotion of Agilo, tribune of the Gentiles and Scutarii, to the senior post of *magister peditum* in 360, but only because it missed out several rungs of the usual ladder.<sup>76</sup>

By the beginning of the fifth century the tribunes of the *scholae* ranked high in the official hierarchy. They normally received on appointment the rank of *comes primi ordinis*, and if so were graded on retirement as equal in precedence to the *comites rei militaris* of Egypt or Pontica. If not awarded the *comitiva* they still retired with the rank of *duces*. They were thus *spectabiles*. Other tribunes had by this time probably acquired the status of *clarissimi*, but never rose higher.<sup>77</sup>

Officers were commissioned by the emperor through a written document (*sacra epistula*). In the East these documents were issued for the great majority of appointments and all the important ones—the *scholae*, the units of the *palatini*, *comitatenses* and *pseudo-comitatenses* and the legions, vexillations and *auxilia* of the *limitanei*—by the *primicerius* of the notaries. Commissions to tribunates of cohorts and prefectures of *alae* in the *limitanei* were, on the other hand, issued through the quaestor and the *scrinium memoriae*. In 415 the quaestor Eustathius complained that the *magistri militum* had for some time usurped the privilege of issuing commissions to appointments on his list, the *laterculum minus*. As the usurpation was by now an established custom the emperor compromised and ordered the restitution to the quaestor of forty appointments. Nine years later, another quaestor, Sallustius, returned to the charge, and was successful in recovering the whole list. The dispute clearly hinged on the fees which the clerks charged, and implies that it cost a considerable sum to obtain a commission—apart from unofficial payments to influential persons who would introduce and support the initial application to the emperor. In the West there is no record in the Notitia or the Code that either the *primicerius* of the notaries or the quaestor was concerned in the issue of commissions. They were probably issued by the *magister peditum praesentalis*, at any rate from the time that Stilicho occupied that post and so greatly increased its powers. This conjecture is supported by a story told by Paulinus in his life of Ambrose about a slave of Stilicho who forged commissions (*epistulae tribunatus*).<sup>78</sup>

In the fourth century the correct, and, it would seem, the normal, avenue to the tribunate was through the protectorate. But as many gained direct admission to the *domestici* and *protectores* without

previous long service in the ranks, so also many got commissions as tribunes without preliminary service in the *protectores*. Let Flavius Abinnaeus continue his story. 'But when I sent in your sacred letter to Valacius the *comes* (*Aegypti*) his office replied that other persons also claimed such letters.' In the last part of his petition Abinnaeus has tried several variant drafts, but the point is the same, that the others have secured the appointment by interest (*suffragium*), and that he, having obtained it by the emperor's own decision (*iudicio sacro*) out of regard for his long service (*contemplatione memoratorum laborum meorum*), ought to be preferred to them.<sup>79</sup>

Directly commissioned officers no doubt came from a rather higher class than directly commissioned *protectores*, but there is little evidence on the point. A law of Constantine or Constantius declares that 'if any civilian or decurion had obtained the honours of the rank of *protector* by interest, no length of service is to be reckoned to his credit after this law. We enact that the same rule be observed about those who have arrived at *praepositurae* by interest.' This allusion to decurions is borne out by Libanius, who names three Antiochenes who evaded their civic duties by obtaining commands of regiments, but were eventually reclaimed by the council. Julian made Pusaeus, a Persian officer who surrendered the post which he commanded, a tribune forthwith, and Valentinian I appointed Fraomarius, a pro-Roman German king, and two of his chieftains, direct to the command of units. An inscription records 'Heraclius, a citizen of Rhaetia II, son of Lupicinus former provincial governor, who was *praepositus* of the Fortenses and lived thirty-five years'; the omission of any previous service and the mention of his father's rank is suggestive. Synesius makes merry about Cheilas who 'in his old age decided to gain distinction by military rank; so he has just arrived, having secured the emperor's commission to command the Marcomanni': he had apparently previously been manager of a troupe of mimes in Constantinople.<sup>80</sup>

When the *domestici* and *protectores* ceased to be the source from which officers were drawn, commissioned rank was not thereby cut off from the rank and file. A constitution of Honorius addressed to Stilicho still distinguished in 407 between 'those who arrive at tribunates and *praepositurae* by influence and interest, and those who have received such dignities by toil and dangers and in the course of military service'. The latter were to be immune from unspecified fees or charges levied by *comites* and *duces*. Vegetius, writing under Valentinian, distinguishes a greater tribune, who 'is appointed on the decision of the emperor by sacred letter', and a lesser tribune who rises by hard work. This obscure statement perhaps means



that the inferior commands in the *limitanei* were by now normally filled by rankers, and that it had ceased in their case to be necessary to obtain an imperial commission. Alternatively Vegetius may mean by the 'tribunus minor' the *vicarius*, or deputy or acting tribune, who seems normally to have been a senior non-commissioned officer of the unit.<sup>81</sup>

It was apparently the practice in the fifth century to grant commissions to aged *scholares*, but such commissions seem to have been sinecures which provided a retirement bonus for members of a favoured—and by this time idle—corps. The promoted *scholaris* (or his heirs if he died) was entitled to receive one solidus from each *annona* and 'horse money' (*caballatio*) from his regiment for the period of his appointment. But we hear of genuine ranker officers too. The future emperor Marcian, son of a Thracian veteran, who enlisted in a unit stationed at Philippopolis, rose to be a tribune, and Saba's father John, who was conscripted in 444-5 into the Isaurian regiment at Alexandria, ended up as its tribune (with the name of Conon) about 20 years later. John rose, it would seem, by long service. Marcian's rise was assisted by his being chosen by Aspar, the *magister militum*, to be his domestic or aide-de-camp.<sup>82</sup>

It is impossible from the available evidence—general statements in the laws and a handful of individual instances—to estimate what proportion of officers were at any period rankers. It is improbable that many private soldiers rose to be generals. We know of very few. Ammianus mentions four, the elder Gratian, who became *comes Africae* and *comes Britanniarum*, Maurus, the *dracognarius* of the *Petulantes* who crowned Julian, *comes rei militaris* in 377, Vitalianus, who ended up as *comes rei militaris* in Illyricum, and Arbeto, who was for long Constantius II's *magister equitum praesentalis*. But this was only natural, for ranker officers were generally elderly men when they received their commissions as tribunes. Flavius Memorius served twenty-eight years in the *Ioviani* and six in the *protectores* before he was commissioned. He must have been about fifty-five by then and he was lucky after three years as prefect of the *Lanciarri Seniores* to be promoted to be *comes ripae* and then *comes* of Mauretania, in which posts he passed five years before he retired. There may well, however, have been a considerable number of elderly soldiers who got as far as a tribunate and no further, like Flavius Abinnaeus, who after thirty-three years in the ranks or in non-commissioned grades, and three more as *protector*, did eventually end his days as *praefectus alae* at Dionysias.<sup>83</sup>

We are ill informed about the emoluments of officers. At the beginning of the fourth century they still received fairly substantial salaries in cash. A document records the payment of 18,000

denarii as *stipendium* to the *praepositus* of the *equites promoti* of Legio II Traiana on 1 January 300: this implies an annual salary of 54,000 denarii, or, at current prices, about a pound of gold. A later document records a *stipendium* of 36,000 denarii being paid to another *praepositus* on 1 September; but though pay had been doubled its value was probably no more, if as great. Eventually the inflation of the denarius swallowed up the cash salary, and emoluments come to consist in the main, if not entirely, of multiple *annonae* and *capitus*. *Domestici* by a law of Julian received six *capitus*; on the analogy of the pay of non-commissioned officers, this would imply that they got at least as many *annonae* and probably more. Sons of *domestici* by a law of Valentinian I received four *annonae* as children. There are no figures for tribunes. The *dux* of Mauretania received fifty *capitus* as part of his emoluments in the reign of Valentinian III, and the *dux* of Libya under Justinian got fifty *annonae* and fifty *capitus* as his basic pay, it would seem.<sup>84</sup>

Whatever officers received, it evidently failed to satisfy them and they increased their emoluments by appropriating some of what was due to their men. The authors of the *Historia Augusta* depict the rigid disciplinarian Pescennius Niger and the model emperor Alexander Severus as ruthlessly punishing tribunes who extorted *stellatura* from their men. This implies that in the early fourth century *stellatura* was a current but illicit abuse. A law of 406 acknowledges and regulates *stellatura* as a customary right of tribunes: by it they apparently appropriated seven days' rations per annum from their men. The *limitanei* had by 443 suffered a more serious loss. They had to surrender a twelfth of their *annonae*, a month's rations per annum; this sum was distributed between the *dux*, the *princeps* of his *officium* and the *praepositi* of the forts. A law of 407 speaks (without disapproval) of *annonae* which *duces* and tribunes take away from the soldiers by way of a gift, and another of 424 distinguishes the *annonae* which tribunes, *comites* or *praepositi* of units receive in virtue of their office, and those which *duces* and tribunes have acquired in some other way (provided that it is legal) for their own use.<sup>85</sup>

Apart from *stellatura* and the twelfth of the *limitanei* the laws do not reveal in what circumstances soldiers 'gave' their rations to their officers, nor by what legal means officers acquired rations in addition to their own, but Themistius, in a passage praising Valens' military reforms, perhaps gives a clue, when he states that now the regiments of the *comitatenses* and *limitanei* are up to their nominal establishment, and that previously the numbers of the troops had been diminished in order that the pay of the missing men might

become a profit to the officers. Synesius declares that the *dux Cerealis*, 'as if it were the law that the pay of the rank and file belongs to the generals, pocketed what they all used to get and in return gave them immunity from service, so that they need not stay in their units, letting them go where each thought he would make his living'. It may be that in course of time this abuse was sanctioned by custom—Synesius praises another *dux*, Marcellinus, 'who neglected the sources of profit which custom has made seem legal'—and that officers came to be entitled to draw a number of *annonae* in the name of men who existed only on paper. In one way or another the perquisites of an officer had come by the sixth century to be the major part of his emoluments.<sup>86</sup>

It must have been highly inconvenient for an officer to have to draw daily large quantities of foodstuffs, some of them perishable, which, even if he had a large family and several slaves, he could not consume but presumably sold. It is therefore not surprising that officers began very early, despite prohibitions, to commute their rations. As early as 325 Constantine had to insist that tribunes and *praepositi* must draw their rations daily, and not leave them to accumulate and then compel the granary superintendent to buy them from them. The result was, the emperor explained, that the granary superintendents or collectors demanded money instead of foodstuffs in kind from the provincials and that the foodstuffs in stock deteriorated and either had to be destroyed and replaced by a second levy on the provincials, or were issued in a mouldy condition to the rank and file. Valens still insisted in 377 that not only soldiers but those holding dignities (which would include officers) must draw their rations daily from the storehouses 'or at any rate within the proper period, that is before the year has elapsed'.<sup>87</sup>

Eventually the government yielded. It was already the rule in 364 that officers detached on special duties—the law refers to *protectores* at Rome—should receive money in lieu of rations, at the current market prices. In 406 it was enacted that rations received by officers as *stellatura* should be commuted at market rates, and in 407 that those acquired by gift from soldiers should be paid at fixed prices in money. In 424 officers were given the option of commuting their basic *annonae* at market prices, and other *annonae* which they had acquired at the standard rate fixed for the troops. In 439 this rule seems to have been reversed for generals. Henceforth they received the *annonae* and *capitus* which they drew in virtue of their rank in cash at the rates of commutation fixed by the praetorian prefects in their *particulares delegationes* (which varied regionally). On the other hand they appear to have drawn other

*annonae* and *capitus* which were their perquisites technically in kind, actually commuted at more favourable rates.<sup>88</sup>

Some officers exploited their men shamelessly. Themistius declares that before Valens took matters in hand many of the frontier troops lacked even arms and uniforms. Libanius in a speech delivered in 381 gives a sombre picture of the condition of the troops. The soldiers, he declares, were hungry, cold and penniless owing to the peculations of the *duces* and tribunes, who intercepted what the government provided for them. The men lacked boots: the horses of the cavalry were starved to the profit of the officers. According to Synesius the *dux* Cerealis went one worse: 'I have with me the soldiers of the regiment of the Balagritae. Before Cerealis became commander they used to be mounted archers, but when he took command their horses were sold and they became just archers.' Cerealis, however, was Synesius' *bête noire* and probably an exceptionally corrupt officer, and the other two pictures are probably exaggerated. Themistius had to blacken previous conditions to throw Valens' reforms into relief, and Libanius in this speech is in one of his most pessimistic moods. Nevertheless such abuses were commoner than they should have been. We have Ammianus' authority for one act of peculation at the expense of the troops. When the notary Palladius was sent in 366 to distribute their *stipendium* or *donativum* to the troops in Africa, Romanus, the *comes Africae*, suggested to the senior non-commissioned officers of each unit that it would be prudent to conciliate so high ranking a personage by allowing him to keep the greater part of the money. Palladius fell into the trap, and, fearing that his peculation would be denounced to the emperor, reported favourably on Romanus. In the meanwhile the troops were deprived of most of their money.<sup>89</sup>

It is difficult to generalise on the conditions of service in the Roman army. In so far as the regulations were observed, the men were by no means badly off. They received ample clothing of sound quality, or later in lieu of it a very reasonable clothing allowance—which they apparently preferred. Their rations, when issued in kind, were abundant in quantity and comprised meat and wine as well as the basic necessities of bread and oil: these rations were later commuted at fair rates. In addition they received at intervals cash emoluments. They normally, it would seem, drew family allowances and, even if they did not, they could, as they rose through the non-commissioned grades, maintain their wives and children

from the extra rations they received. Their standard of living should have been substantially higher than that of the peasantry from whom most of them were drawn. This idyllic picture is not entirely true to life. Some deductions were regularly made from their rations for the benefit of their officers, and some unscrupulous officers, at any rate, cheated them of their food, clothing and money pay. On the other hand, when they were in billets, they habitually extorted extras from their hosts.

There are indications that some soldiers at any rate were comfortably off. Soldiers seem not uncommonly to have bought and maintained slaves to serve them as batmen. This was a regular thing in the Guards: Sulpicius Severus comments on Martin's asceticism in having only one slave batman, whose tasks he shared, when he was serving as a private in the *scholae*. In other regiments non-commissioned officers seem to have normally had a slave batman or groom. Constantine allowed a recruit who could furnish two horses or one horse and one slave to be enrolled forthwith as a *circitor* in a cavalry regiment, while a document reveals a *senator* of an *auxilium* stationed at Ascalon selling a boy of fourteen to a *biarchus* of a vexillation stationed at Arsinoe in 359.<sup>90</sup>

Even privates in ordinary regiments may well have owned slaves. A law of 349 defines a soldier's family as his wife, children, and slaves bought from his earnings, and in 406 Honorius, calling slaves to the colours, especially mentions those owned by soldiers. Soldiers had, of course, opportunities for obtaining slaves on the cheap, especially if they were posted near the frontiers. According to Themistius officers made a regular business of slave dealing, and other ranks no doubt picked up bargains. But none the less the maintenance of a slave cost something, and soldiers who kept them must have had something to spare. Soldiers were also in the habit of keeping, presumably at their own expense, men of free status—whom they pretended to be relatives—to serve them as batmen. In 367 Valentinian, suspecting that many of these men were potential recruits who were thus shirking conscription, ordered their employers to present them to their unit commanders to be despatched to the *magistri militum* for enrolment.<sup>91</sup>

Conditions clearly varied between units. At one extreme life in the *scholae* must have been very comfortable. Not only were the men better paid, but, as they served under the immediate eye of the emperor, they could readily obtain a remedy for their grievances, and their officers did not dare to illtreat them. By the middle of the fifth century the authority of their commanders was seriously weakened; in response, evidently, to a petition of the regiments, the *comites scholarum* were deprived of their normal right of flogging

or degrading their senior non-commissioned officers, the *senatores* and *ducenarii*, who could henceforth be punished only by the master of the offices. At the other extreme the *limitanei*, posted in lonely camps on the remote frontiers of the empire, had very little chance of getting a hearing for their complaints, and often were helpless victims of their tribunes and prefects and of the *duces* of the frontier provinces and their officials.<sup>92</sup>

The condition of individuals within the same regiment might also vary greatly. Some of the men were vagrants or poor *coloni*, who had either been conscripted or had joined up because they had no other means of subsistence. But others were men who owned a little property, or at any rate could expect to succeed to it. Sons of veterans would normally succeed during their period of service to their fathers' allotments or trading capital, if they had not already inherited them before they joined the colours. A certain number of the conscripts were also peasant proprietors or their sons. Recruits included even decurions—presumably of the humbler sort, but even so owners of substantial farms. The conscription laws envisage some recruits owning landed property, allowing them to deduct from the tax on their own property amounts equivalent to the *capitatio* of their wives, fathers and mothers, if these were dead or they were unmarried. One law even envisages soldiers owning agricultural slaves registered on their land.<sup>93</sup>

On the discipline, morale and efficiency of the troops it would be difficult to make any useful generalisations. They clearly varied greatly from time to time and between different classes of troops. The Code gives the impression that desertion was widespread. The majority of deserters seem, however, as pointed out above, to have been raw recruits, sometimes not yet posted to their units. There appears to have been a wave of desertions in the years following the battle of Adrianople. At this period most deserters took refuge on the estates of the rich, whose agents, chronically short of labour, were generally willing to harbour them. In 403, after Alaric's first invasion of Italy, and again in 406, after Radagaisus' invasion, the government had to take strong measures against the bands of deserters who terrorised the countryside. Apart from these crises, when morale had been lowered by defeat, desertion seems to have been on a small scale.<sup>94</sup>

During the closing years of the fourth century a growing laxity in discipline is discernible in the armies of the Eastern parts. In 384 the government had to declare that officers and men were not at liberty to wander about the country, but must remain at their regular stations. In 396 the *dux* of Armenia was told that persons who took soldiers into their private service were to be fined five

lb. of gold. In 398 the government again forbade soldiers to leave their units and wander about the provinces, and in particular ordered that men seconded to attend upon the emperor at Constantinople should not be allowed to live in idleness or enter private service. By the middle of the fifth century discipline had got so slack that Leo had solemnly to inform Aspar that soldiers, who were maintained and armed by the state, ought to be occupied with public duties, and not to devote themselves to cultivating the fields or looking after animals or to commerce. They were in future not to be seconded to the service of imperial or private estates, but to remain in their units and drill every day.<sup>95</sup>

Men who absented themselves in this way for prolonged periods, if they did not obtain formal leave, probably left with the connivance of their officers, who doubtless profited by the transaction—it was perhaps in such circumstances that men gave their *annonae* to their officers. They were apparently not treated as deserters. A constitution addressed by Honorius to Gaiso, master of the soldiers, in 413, enacts merely that men absent without leave and living idle at their own homes or elsewhere were to lose seniority, ten places for one year's absence, twenty for two years, and thirty for three: if they stayed away for longer they were to be removed from the rolls, but suffered no further punishment. This law incidentally indicates that things were as bad in the West as in the East.<sup>96</sup>

In the foregoing account various minor differences have been noted between the *palatini* and *comitatenses* on the one hand and the *limitanei* or *ripenses* on the other, but no radical distinction has been made between them. This conflicts with the generally accepted view, according to which only the former were regular soldiers, and the latter were a kind of hereditary peasant militia, who cultivated lands allotted to them by the government and performed guard duties in their spare time. The evidence on which this view is based is in fact very slender and there are many considerations which tell against it. During the fourth century at any rate the Code reveals no such radical difference between *comitatenses* and *limitanei* and even in the fifth century the *limitanei*, though lands were by now assigned to them for cultivation in the Eastern parts—there is no evidence for the West—seem still to have remained organised fighting troops, even if their efficiency had seriously declined.

For the fourth century the only piece of evidence which can be

cited in favour of the traditional view is a passage in the *Life of Alexander Severus* in the *Historia Augusta*. Alexander, we are told, 'gave lands captured from the enemy to the *duces* and soldiers of the *limes*, on condition that it should be theirs if their heirs served and should never belong to private persons, saying that they would serve with greater zeal if they were also defending their own fields. He also gave them animals and slaves, so that they could cultivate what they had received, to prevent the country near the barbarian zone being deserted for lack of men or through the advanced age of its owners.' This statement is fairly certainly not historical, for the whole *Life* is a fantasy, a portrait of the ideal emperor painted for the edification of the monarch to whom it was dedicated, who is stated to be, and probably was, Constantine. This passage has been taken to be a reflection of the current practice of the author's day, but there is no sound reason for believing this. It is more likely to be a veiled recommendation on policy to the emperor: its object was apparently to reduce military expenditure, a matter which the authors of the *Historia Augusta* had much at heart.<sup>97</sup>

The picture does not agree with the evidence of the Code. There is in the first place no indication that in the fourth century service in the *limitanei* was any more hereditary than service in the *comitatenses*. Veterans' sons in all branches of the army had to serve, and were drafted either into the *comitatenses* or the *limitanei* according to their physical fitness. Recruits raised by the regular conscription were also drafted into either branch of the service. Nor, in the second place, is there any indication that veterans' allotments were inalienable. Still less is there any evidence that *limitanei* cultivated government allotments during their period of service. The Code implies that all veterans were entitled to an allotment or cash bonus on discharge, which in the case of the *limitanei* would be an odd extravagance if they already held allotments. The author of a pamphlet addressed to Valentinian and Valens, mentioned earlier in this chapter, was familiar with the practice of granting allotments to veterans on the frontiers. One of the useful by-products of his plan for shortening military service will be, he says, that there will be more veterans and that they will be younger men, 'still vigorous cultivators to work the land. They will populate the frontiers, they will plough the lands which they had before defended, and having gained the longed-for fruit of their labours they will become taxpayers instead of soldiers.' This author could not state more clearly that it was only on discharge that soldiers on the frontiers were granted allotments.<sup>98</sup>

It is furthermore noteworthy that the government supplied



rations in kind to the *limitanei* throughout the year until 364, and thereafter for nine months of the year: rations were apparently not entirely commuted until early in the fifth century. This would seem to be a costly extravagance, in view of the great difficulties and expenses of transport, if the *limitanei* were growing their own food. And if all *limitanei* were provided with viable allotments it would seem extravagant to pay them even in money.<sup>99</sup>

Finally, although the units of *limitanei* were normally static, they could if need be, and often were, converted into regiments of the field army as *pseudocomitatenses*, and were sometimes even upgraded into *comitatenses*. A study of the army lists in the *Notitia Dignitatum* shows that such transfers were being made in the West down to the end of Honorius' reign. These moves would scarcely have been possible if the *limitanei* had been a peasant militia.<sup>100</sup>

It will be as well at this stage to clear up three side issues which might confuse the argument. There were in the diocese of Oriens, especially in the provinces of Mesopotamia and Osrhoene, and also in Armenia, adjacent to the cities of Satala and Theodosiopolis, public lands classified as *limitotrophi*. They are mentioned in laws dated 386, 415, 439 and 441, which prohibit their alienation or the alteration of the terms on which they were held. These were, according to the first law, to provide for the needs of the frontier. The last law, which deals specifically with the Armenian lands, mentions the provision of supplies in kind, as dues or by compulsory purchase, and of transport services including horses, and also of 'polemen' (*contati*), perhaps irregular troops. These estates, as their title implies, furnished supplies and services to the frontier armies, and were not lands cultivated by *limitanei*.<sup>101</sup>

In the second place a law dated 398 refers to *burgarii* in Spain (and perhaps elsewhere). They were hereditarily tied to their service, like the muleteers of the public post or the weavers in the state mills, and were bound by the same rules as these in respect to marriage, inheritance and property. The law occurs in the book of the Code devoted to military affairs, and their name implies that they occupied forts or guard posts, but there is no reason to think that these *burgarii* were classed as *limitanei*.<sup>102</sup>

In the third place a law dated 409 reveals that there were in the diocese of Africa areas of land which had been by the humane provision of antiquity conceded to the barbarians (*gentiles*) in consideration of the care and maintenance of the frontier and its fortifications ('propter curam munitionemque limitis atque fossati'). The law orders that they shall not be granted to outsiders who do not fulfil these obligations, but should be reserved for barbarians or, if these fail, for veterans. This law must be interpreted in the

light of the archaeological data, the *Notitia Dignitatum*, and what information is available from literary sources. Recent archaeological surveys have revealed a more or less continuous wall (*fossatum*) running along the desert boundary, and large areas of irrigated land along it on both sides: these are probably the lands mentioned in the law. The frontier zone is thickly dotted with fortified farmhouses, where the occupants of the land must have lived. In the *Notitia* the *comes Africae* commands a large group of *comitatenses*, but over half of the infantry (seven legions) and most if not all of the twenty vexillations appear to have been only recently—during the reign of Honorius—upgraded, and to have previously belonged to the garrison of the African provinces. The *dux* of Tripolitania has two units, styled *milites*. There are no cohorts or *alae* or any corresponding units in any of the three African commands. Instead the *dux Mauretaniae*, *comes Africae* and *dux Tripolitaniae* have *praepositi limitum*. Over thirty *limites* are recorded; the names are geographical.<sup>103</sup>

Considering these data we may hazard the conjecture that in Africa the front line of defence was not entrusted to cohorts and *alae* and similar regular troops, but to barbarian tribesmen (*gentiles*) under the supervision of Roman officers (*praepositi*), and that the barbarians who accepted this duty were rewarded with lands along the frontier. The system was of considerable antiquity; a *praepositus limitis* is mentioned in Tripolitania in an inscription of the middle of the third century. From various literary sources it appears that when the tribes entered Roman service they were placed under Roman officers (*praefecti*, *tribuni* or *decuriones*); these were presumably subordinate to the *praepositus limitis*, who controlled a wider zone. Ammianus mentions a Roman prefect of the Mazices, who sided with Firmus in his rebellion, and tells how Theodosius the Elder, as he brought the tribes to obedience again, installed reliable prefects over them. A law of 405 regulates judicial appeals from the *gentiles* and their prefects to the proconsul of Africa. Augustine in one of his letters speaks of pacified tribes near the frontier who had within the past few years ceased to have kings of their own, but had prefects appointed by the Roman government: many of these tribes had as a result been converted to Christianity. A correspondent of Augustine raised points of conscience about the pagan tribe of the Arzuges. These barbarians took an oath to the tribune or decurion in charge of the frontier by their pagan gods, and it was because of this oath that land-owners in the frontier zone and travellers through it could rely on them as guards or escorts. Could a Christian accept these services on such terms?<sup>104</sup>

In Africa then it was not *limitanei* in the proper sense of the word that cultivated the state lands along the frontier, but native tribesmen who served as a local militia under Roman officers. Similar arrangements on a very small scale were made in some other provinces. In Cyrenaica there was, besides the *limitanei* who garrisoned the forts, the tribe of the Macae under their prefect, and among the officers commanding units of *limitanei* in Pannonia I there is recorded a *tribunus gentis Marcomannorum*, while in Raetia there is another *tribunus gentis per Raetias deputatae*, presumably a group of Marcomanni detached from their parent tribe.<sup>105</sup>

Service in the *limitanei* naturally came to be looked down upon, and they came to be less well treated than the *comitatenses*. In the early fifth century Synesius strongly deprecated the transfer of the Unnigardi, a unit apparently of federates whom he highly esteemed, to the *limitanei*. Not only would they descend 'to less honourable rank', their efficiency would be impaired if they were 'deprived of their imperial donatives, if they got no remounts, no military equipment, no expenditure adequate for fighting troops'.<sup>106</sup>

In a law dated 428 Theodosius II excluded Manichees from all branches of the public service 'praeter cohortalinam in provinciis et castrensem'. This again shows that service in the *limitanei* was held in very low esteem; but it does not necessarily imply that it was like that of the *cohortales* compulsorily hereditary. By this time the government had apparently ceased to call up veterans' sons—the last law on the topic dates from 398—but in the static units of the *limitanei* hereditary service seems to have remained customary; indeed by Anastasius' reign military parentage was a qualification required for recruits. That service was obligatory on the sons of soldiers is, however, unlikely; there are no laws debarring the sons of *limitanei* from higher branches of the service, as there are for sons of *cohortales*.<sup>107</sup>

In the early fifth century there is for the first time evidence that *limitanei* owned and cultivated land. A law of 423 addressed to the praetorian prefect of the East prohibits the occupation by outsiders of the territories of the *castella*: they must be held by *castellani milites* only, to whom they were allotted in time past. Another law of 443, addressed to Nomus, the master of the offices in the East, enacting a thorough reform of the *limitanei*, in one of its clauses prohibits the alienation to outsiders of the frontier lands (*agri limitanei*), with all water meadows and other rights, which according to old arrangements the soldiers of the frontier (*milites limitanei*) had customarily tended and ploughed for their own profit, free from all charges.<sup>108</sup>

The causes of the change can only be conjectured. The practice

of granting allotments to veterans seems to have been abandoned towards the end of the fourth century; it is last mentioned in laws of Valentinian I. Veteran *limitanei* may in compensation have been allowed to cultivate the *territoria* which were attached to legionary and probably other forts. Among the *limitanei* it had probably become normal for sons to be enrolled in their fathers' unit, and it would often have happened that a son would succeed to his father's allotment before he reached the age of discharge. In practice therefore some *limitanei* would have worked the land while still on active service. The majority however were still dependent on their pay. A law addressed in 438 to the *magister militum per Orientem* speaks of the *limitanei* 'who with difficulty repel the pangs of hunger on their meagre pay', and the law of 443, which speaks of the *agri limitanei*, is insistent the men should receive their full pay (apart from the legal deduction of the twelfth). The same law enacts that the number of units must be brought up to their full complement, and that the officers must drill their men daily. There had evidently been peculation and negligence in the administration of the *limitanei*, but the government still regarded them as regular fighting troops whose discipline and well-being could and should be restored.<sup>109</sup>

The Roman army of the East as we know it in the sixth century had grown by a gradual process of evolution from the Eastern army as depicted in the *Notitia Dignitatum* and the Theodosian Code and Novels. Despite certain important changes in its structure and composition there is a basic continuity. The continuous existence of individual units is difficult to establish, it is true, but this is due to lack of evidence. There does not exist for the sixth century any comprehensive army list like the *Notitia*, and we have to rely on casual references in the historians and the legal texts, where regiments are very rarely named, and in the papyri and inscriptions, which are likewise sparse. A further difficulty is caused by the common practice of alluding to regiments not by their official title but by the name of the town which they garrisoned. More often than not the Egyptian papyri speak of 'the regiment of Syene' or 'the regiment of Philae' not only in unofficial but in official documents. In Italy and Africa after the reconquest similarly the papyri and inscriptions record the 'numerus Veronensium' or the 'numerus Tarvisianus', or the 'numerus Hipponensium Regionum'. Identifications are made yet more uncertain by the desuetude of the old distinctions between different classes of

unit. The regiments of Syene and Philae are, it is true, occasionally given their old style title of legion, and an official document of 505 alludes to the Equites Mauri Scutarii as a *vexillatio*: it is typical of our difficulties that in this document the unit is not named but identified by its tribune, who is stationed at Hermopolis, which, we happen to know from other sources, the Mauri garrisoned. But almost invariably regiments are spoken of under the colourless style of *numerus* (αριθμός, or in the literary Greek κατάλογος or τάγμα).<sup>110</sup>

Despite the difficulties a sufficient number of units mentioned in the Notitia can be identified in the sixth century to establish a strong presumption of continuity. Some regiments were no doubt destroyed or disbanded: but of this we have no evidence. A considerable number of new units were raised in the course of the fifth and sixth centuries, and particularly under Justinian. Thus an inscription on the Golden Gate at Constantinople (built in 413) records not only the Cornuti Juniores, an *auxilium palatinum* listed by the Notitia in one of the praesental field armies, but the Primosagittarii Leones Juniores, who are unknown to that document. Late fifth and sixth century papyri from Egypt likewise mention several new units, the Leones Clibanarii, the Bis Electi, and the Numidae Justiniani, and in Italy late inscriptions and papyri record *numeri* of the Felices Perso-Armenii and of the Equites Perso-Justiniani, while in Africa *numeri* of Electi (as well as the Bis Electi who are later recorded in Egypt) and of Primi Felices Justiniani make their appearance. But as against these a fair number of old units are mentioned by name in Egypt besides the Equites Mauri Scutarii; they include the Macedonians, that is the old legion V Macedonica which goes back to the reign of Augustus, the Armigeri, the Daci, the Scythae and the Transtigritani. The Tertio-Dalmatae still existed under Justinian in Phoenicia, and the legion IV Parthica is recorded in Syria under Maurice. The Regii took part in the reconquest of Italy, and among the units later stationed there were the Armeni, the Daci, the Felices Theodosiani and the Primi Theodosiani, all listed in the Notitia.<sup>111</sup>

In the structure of command little change was made until Justinian's day. He divided the huge zone subject to the *magister militum per Orientem*, which stretched from the southern coast of the Black Sea to Cyrenaica, into two commands. A new *magister militum per Armeniam* now took over the northern sector, comprising Pontus Polemoniacus, the two provinces of Armenia I and II and Armenia Magna and the satrapies beyond the Euphrates. When Africa was reconquered it was placed under a new *magister militum*, whose zone included not only the old diocese but Tingitania and

the islands of Sardinia and Corsica. Italy was similarly placed under a *magister militum*, and so were the reconquered parts of Spain. The *magistri* of Africa and Italy were in effect governors general of their areas, with civil as well as military authority. Solomon and Germanus actually combined the offices of *magister militum* and praetorian prefect in Africa, and though there were normally separate prefects in both Africa and Italy, they were subordinate to the *magistri*, who towards the end of the sixth century were accorded the title of exarchs to mark their all-embracing authority.

An important change was the creation by Anastasius of the separate military zone of the Long Wall, the line of fortification which he built from the Black Sea to the Aegaeon to protect Constantinople and the adjacent area. He placed the troops which garrisoned this zone under a vicar of the *magistri militum praesentales*, and also appointed a vicar of the praetorian prefect of the East to administer the area and see to the provisioning of the troops. Justinian found that these two officers spent all their energy in mutual squabbles, and accordingly replaced them by a praetor of Thrace who combined military and civil authority in the district of the Long Wall.

On the frontiers the system of *duces* was maintained with minor modifications. No change is recorded on the Danube. In the northern part of the Eastern front, where there were constant hostilities with the Persians, the number of *duces* was increased: in the Armenian sector the front line was moved forward, and the two *duces* of Armenia and Pontus replaced by five, further south new commands were created at Circesium in Mesopotamia and Palmyra in Phoenice. On the reconquest of Africa *duces* were established in all the frontier provinces, Tripolitania, Byzacium, Numidia, Mauretania and Sardinia. In Italy also *duces* were instituted after the reconquest to protect the northern frontier.<sup>112</sup>

On the frontiers, where the main task of the army was to repel external enemies, Justinian consistently maintained the old principle of separating the military command and the civil administration. In Asia Minor and Egypt, where the principal problem was the maintenance of internal security, he frequently unified the two. Though the Isaurians had at last been quelled by Anastasius brigandage was still rife in many parts of Asia Minor, and Justinian endeavoured to cope with the problem either by combining the existing military commands—the *comitativae* of Isauria, Pisidia and Lycaonia—with the civil government of the areas concerned, or by bestowing military powers on the provincial governors. In Egypt there were three problems. The south was constantly troubled by *razzias* of the desert tribes, the Blemmyes and the Nobadae.

Throughout the country the great landlords with their bands of *bucellarii* defied the administration. Above all the attempts of the government to impose Chalcedonian patriarchs and clergy on the rabidly monophysite population provoked frequent civil disturbances, especially in Alexandria. To cope with the first problem the *dux* of the Thebaid had already in the fifth century been given administrative powers in the extreme south. To deal with the last the offices of Augustal prefect and *dux* of Egypt had from time to time been vested in one person. Justinian made both these changes permanent, and seems to have extended the principle of a united civil and military command to all the provinces of Egypt.<sup>113</sup>

The *scholae* still existed in the sixth century, but they had, since the reign of Zeno according to Procopius and Agathias but actually considerably earlier, become mere parade ground troops who graced ceremonial occasions. Places were obtained by purchase (from retiring guardsmen), and were regarded as a good investment, the liberal pay providing an adequate return on the purchase price. Justin (under the inspiration of Justinian) profited from this situation by enrolling four supernumerary regiments, comprising 2,000 men, in addition to the original seven; the government made a handsome capital profit from the sale of the newly established places. Later Justinian, when emperor, abolished the interest on this capital gain by disbanding the new regiments without compensation—or so Procopius alleges. Justinian also reduced the expense of the *scholae* by ordering them to the front: for rather than face active service the guardsmen offered to surrender their pay for a stated period. The emperor repeated this operation several times—for the Persian, African and Italian campaigns.<sup>114</sup>

The *protectores domestici* and the *protectores* also still existed, and also, like the *scholae*, had become purely ornamental corps: some (the *praesentales*) were stationed at Constantinople, others (presumably the *deputati*) in Galatia and other places. Menander the *protector* in the story of his misspent youth never hints that he had any military duties. He read for the bar, but soon tired of the legal profession and wasted his time at the races and the theatre until he was inspired by the emperor Maurice to take up history. Posts were obtained by purchase, and as the pay was higher than that of the *scholae*, commanded very substantial prices. Justinian as a special privilege allowed the two *advocati fisci* of the praetorian prefecture of the East, who retired each year, to buy for two persons of their

choice places, vacated by death, in the *domestici praesentales*, one in the cavalry division and the other in the infantry. The price of such 'dead places' apparently went to the *comites domesticorum*, and in this case was specially limited to 2,000 solidi: on the open market they presumably would have fetched much more. Justinian played the same trick on the *domestici* and *protectores* as on the *scholares*, ordering them to the front and allowing them to forfeit their pay in return for being excused.<sup>115</sup>

In sixth-century documents a number of soldiers describe themselves as *protector* (or more commonly *adorator*, as having 'adored the sacred purple') of their units. This probably means that it was still, as in the fourth century, the practice to grant deserving veterans—or perhaps now senior serving soldiers—the honorary rank of *protectores*.<sup>116</sup>

The *scholae* having become an ornamental body, Leo enrolled a small corps, the *excubitores*, 300 strong, to do the real work of guarding the palace. The original members of the corps were certainly genuine soldiers—Justin and two other peasants who had trudged with their bundles on their backs from Illyricum to Constantinople to enlist were drafted into the newly formed *excubitores* on account of their exceptionally good physique—and so far as we know it remained a crack fighting force. It appears to have occasionally served at the front: Justin certainly fought in Anastasius' Isaurian war, when he was apparently an *excubitor*, and the commander of the corps, the *comes excubitorum*, served with Solomon in Africa. The post of *comes excubitorum* ranked very high in the military hierarchy, and several of its occupants became emperor. Justin's elevation was the result of an intrigue, but Tiberius and Maurice were appointed *comites excubitorum* as the final stage in their promotion before being proclaimed Caesars. By the end of the sixth century individual *excubitores* were apparently seconded to assist high military officers abroad. Pope Gregory had dealings with three. Amandinus, the *domesticus* (probably of the exarch), sent him a letter by the *excubitor* Timarchus, and Gregory entrusted him with his reply to the exarch. On another occasion Gregory (by a usurpation of authority which brought down Maurice's wrath upon his head) ordered an *excubitor*, with a tribune and a body of troops, to compel some Italian bishops to come to Rome. Another, Comitulus, had died leaving his estate to his widow and two of his freedmen, who were apparently all in Italy.<sup>117</sup>

From the reign of Justinian (the earliest mention is in 545) we hear of officers entitled *scribonēs*, who are described as imperial bodyguards: their high rank is indicated by the title *vir magnificus* which Pope Gregory gives to them. It is uncertain whether they



were members of an officer corps, analogous to the original *domestici*, or were the officers of the *excubitores*. In favour of the latter view is the fact that the creation of a new corps of *scribonēs* is not recorded in our sources, and that in 653 a *scribo* in command of a detachment of *excubitores* took Pope Martin into custody on his arrival at Constantinople. Otherwise *scribonēs* appear only as individuals, entrusted with special missions such as the *domestici* had in earlier times performed. The *scribo* Anthinus was sent to Rome to arrest Pope Vigilius in 546, and half a century later two others, Marcus and Azimarchus, were despatched to Italy to arrest Gregory, the ex-praetorian prefect. Metrianus was in 555 sent with a high officer of state, Athanasius, to hold an enquiry into the murder of the king of Lazica. Another went later with a senator as envoy to the chagan of the Avars. They were also sent out to collect recruits; Gregory instructed the local agent of the papal estates to give a suitable *douceur* to the *scribonēs* sent with that mission to Sicily. They distributed their pay to troops in outlying provinces; Busas, sent by Maurice to Italy for this purpose, also carried a present of 30 lb. gold from the emperor to Gregory. On another occasion a *scribo*, Bonosus, was charged with equipping a fleet.<sup>118</sup>

The *comitatenses* also continued to exist; the distinction between them and the *palatini* seems to have lapsed. They are not very easy to distinguish from other troops as the title *comitatenses* is rarely used. They are usually described as 'soldiers' (*στρατιῶται*) or 'Roman soldiers', *par excellence*; and their regiments are similarly the *numeri* (in Procopius' Greek *κατάλογοι*). They comprised, as we have seen, many units which had survived from the fourth century, also a number of new units raised in the fifth and sixth centuries. They were as a general rule recruited from Roman citizens, but individual barbarian recruits were accepted; Procopius mentions the desertion of twenty-two Roman soldiers who were barbarians by race from a regular cavalry regiment and on another occasion notes that of a body of 1,600 regular cavalry (*στρατιῶται ἱππεῖς*) the majority were Huns, Sclaveni and Antae. Justinian formed a number of ethnic units from prisoners of war and deserters. He enrolled the Vandal prisoners whom Belisarius brought back to Constantinople in five cavalry regiments which he entitled Justiniani Vandali and prudently stationed in the East. Conversely units formed from oriental prisoners and deserters were drafted to the West. A trooper of the cavalry unit of the Perso-Justiniani is buried at Grado in Italy, and a soldier of the Felices Perso-Armenii is recorded at Ravenna in 591; his name, Tsitas, shows that he was a genuine Armenian.<sup>119</sup>

Procopius often seems to distinguish from the regular or Roman regiments Isaurian, Thracian, Illyrian and Armenian troops. In other passages, however, he speaks of such troops as regulars (*στρατιῶται*). It seems unlikely that there was any official discrimination between troops raised from these areas and from the rest of the empire, and from Procopius' rather imprecise language it would appear that he is making a *de facto* distinction between ordinary regiments, which were, as we shall see, normally recruited locally in the area in which they were stationed, and regiments levied, often for a particular war, from the best recruiting grounds of the empire, which were Thrace and Illyricum, and eastern Asia Minor; the name Isaurian was used to cover other mountaineers of the Taurus, such as Lycaonians and Cappadocians. Many of the passages in which the distinction is made concern recruiting campaigns, and contrast already existing regiments which were moved to the front with regiments formed from new recruits.<sup>120</sup>

The *comitatenses* were still in theory, and to a considerable degree in practice, mobile troops. Belisarius' expeditionary force against the Vandals included 10,000 regular infantry, and about 1,500 regular cavalry. The force with which he started the Italian campaign included, besides 3,000 Isaurians, a number of other regular regiments: one of them, the *Regii*, is recorded by name, and, as we have seen, other units of the praesental armies of the East, the *Felices Theodosiani* and the *Primi Theodosiani*, the *Daci* and the *Armeni*, are later found stationed in Italy. Units from the regional field armies of Thrace and Illyricum were also transferred to Italy as reinforcements from time to time. The *Bis Electi* are recorded first in Africa and then in Egypt, and the *Numidae Justiniani*, who must have been raised in Africa, were later moved to the Thebaid.<sup>121</sup>

A large number of regiments of *comitatenses* were however by this time more or less permanently stationed as garrisons in the cities of the empire, particularly in the frontier provinces as a stiffening to the *limitanei*. The practice had probably begun early with regiments of the regional field armies, but a law of Anastasius shows that by his time there were units not only of the Oriental but of the praesental armies under the command of the *duces* of the Eastern *limes*, and apparently permanently posted in their provinces.<sup>122</sup>

Egypt provides some specific examples. Saba's father Conon spent the whole of his military career, from his enrolment in 444-5 to his death in 491, in the Isaurian regiment at Alexandria. This was not a unit of the *limitanei*, but presumably legion I Isaura Sagittaria of the Oriental regional field army, unless it was a new formation raised after the date of the Notitia. The papyri show that

the Armigeri, no doubt the Equites Armigeri Seniores Orientales of the same army, were garrisoning Oxyrhynchus in 488, and that the Scythae, in the Notitia a palatine legion in one of the praesental armies, were stationed in the Thebaid in the sixth century. At Arsinoe in 531 we find Flavius Menas, a soldier of the Daci, making a loan of 12 solidi to Flavius Menodorus, a *centenarius* of the Leones Clibanarii; the deed is witnessed by a soldier of the Transtigritani. The Daci were a palatine legion of one of the praesental armies, the Leones Clibanarii a new unit posterior to the Notitia, and the Transtigritani a legion of the Oriental regional army. The loan was to be repaid by annual instalments of two solidi, which implies that the lender did not expect either his own or the borrower's unit to be marched off suddenly to the front. And he had good ground for this belief. The Transtigritani had been stationed at Arsinoe since at least 498, and the Leones Clibanarii since at least 487.<sup>123</sup>

Outside Egypt there is less evidence, but Anastasius' regulations for the *limes* of Libya Pentapolis show that the regular garrison comprised five regiments (*αριθμοί*) of *comitatenses* in addition to the *castrensi*, and Justinian in Edict XIII speaks of regular regiments of Libyes Justiniani and Paraetonitae Justiniani under the command of the *dux* of Lower Libya. In Phoenice Libanensis the same emperor placed the Tertio-Dalmatae, a vexillation of the regional field army of the Orient, at the permanent disposal of the civil governor and stationed a regular regiment at Palmyra to reinforce the *limitanei*. In Palestine he placed at the disposal of the proconsul a regiment of *comitatenses* (*στρατιωτικὸς κατάλογος*), drawn from the standing garrison (*στρατιωτῶν τῶν ἐγκαθημένων τῇ χώρᾳ*). He also posted what Malalas calls 'a regiment of Roman soldiers, or Italians, called Spaniards', to Bosphorus in the Crimea.<sup>124</sup>

The *limitanei* also continued to exist. Justinian included in the Code large sections from the constitution of 443. The master of the offices was still to report annually on the strength of their units and the state of their forts; their *duces* were to drill them daily and to keep their forts in repair; their lands were not to be alienated. *Limitanei* are recorded on all the frontiers. They were among the troops on the lower Danube for whom the *quaestor exercitus* had to cater; the law creating the office contained a schedule (which has not been transmitted to us) of the *annonae* of both the *comitatenses* and *limitanei* of Moesia and Scythia. On the Eastern frontier they are mentioned by John Malalas in Armenia and in Phoenice. Justinian also alludes to them in Palestine. Legio IV Parthica, which according to the Notitia garrisoned Circesium in Osrhoene, had by Maurice's reign been moved to Beroea in Syria, where it distinguished itself in action. According to Procopius Justinian

allowed the pay of the *limitanei* on the Eastern frontier to fall four or five years into arrear, and on making peace with the Persians compelled them as a thank-offering to forego the pay due to them for a stated period. In Libya Pentapolis Anastasius in 501 issued regulations defining the duties of the *castrensiarii* and fixing the fees which they had to pay to the *officium* of the *dux*. They had to guard the roads and prevent any Roman or Egyptian from visiting the barbarians without an official pass; they themselves were not to visit the barbarians to make compulsory purchases of foodstuffs or to have commercial dealings with them. Each fort had to pay four solidi a year to the ducal *officium* for drawing up the four-monthly returns which had to be sent in to Constantinople, and one solidus for the papyrus required.<sup>125</sup>

It is as usual from Egypt that we have the most detailed information. A detachment of 'Macedonians' was stationed at Antaeopolis in the Thebaid in Justinian's reign: their parent unit was probably Legio V Macedonica, stationed according to the Notitia at Memphis. At Hermopolis the Equites Mauri Scutarii are recorded continuously from the fourth to the sixth century (in 340, 417, 507 and 538). An undated document, in which a soldier of this unit, Flavius Donatiolus, is revealed as leasing ten *arurae* of arable land from Aurelia Charito of Hermopolis, suggests that discipline was rather slack.<sup>126</sup>

The most revealing set of documents are the family papers of Flavius Patermuthis, son of Menas, who served in the regiment (*αριθμός*) of Elephantine for more than twenty-five years—he is first stated to be a soldier in 585 and still was one in 613. The parties and witnesses in the transactions are in the overwhelming majority non-commissioned officers and men of the three regiments of Syene, Philae and Elephantine, which suggests that most of the propertied and literate male inhabitants of these towns were enrolled in their garrisons. The regiments are never named in the documents, but those of Syene and Philae are sometimes styled legions, and the fact that their non-commissioned officers held the grades of *ordinarii* and centurions suggests that they were *limitanei*. The legion of Philae was doubtless Legio I Maximiana, recorded at Philae in the Notitia. That of Syene may have been the Milites Miliarii, classified among the legions and located at Syene. At Elephantine the Notitia records only the cohort I Felix Theodosiana.<sup>127</sup>

Patermuthis is described or describes himself in the documents indifferently as 'soldier of the regiment of Elephantine' or 'boatman of Syene', and sometimes with engaging frankness as 'soldier of the regiment of Elephantine, by profession a boatman'. The dossier

contains only one document of military import, the *probatoria* whereby one Flavius Paternuthis, son of Dios, was enrolled in the regiment of Elephantine in 578; it is not clear how it came into the hands of Flavius Paternuthis, son of Menas—perhaps he was a relative. The other papers are all loans, sales of boats, conveyances of house property, wills and settlements, likewise concerned with boats and houses, and records of litigation, in which Flavius John, son of Jacob, Paternuthis' brother-in-law, figures prominently. He too is described as 'a soldier of the regiment of Syene, by origin of the same Syene, a boatman by profession'; he was already enrolled in 583, but is still described as a recruit (*τελωων*) in 584-5.<sup>128</sup>

The papers suggest that the *limitanei* of the Thebaid did not take their military duties very seriously. But in this they were rivalled by the *comitatenses* who had become static garrisons. In 508 a soldier of the *Transtigritani* leased a bakery from a soldier of the *Leones Clibanarii*. John Moschus knew of a pious soldier of Alexandria, named John, who used every day to sit weaving baskets and praying from dawn to the ninth hour, and then (at 3 p.m.) used to put on his uniform and go on parade; this he did for eight years without apparently exciting any adverse comment from his commander.<sup>129</sup>

Despite their deficiencies Justinian considered *limitanei* of sufficient value to wish to reconstitute them in Africa. He sent Belisarius the establishment of a regiment of *limitanei*, and ordered him to recruit sturdy provincials or ex-soldiers of the Vandal kingdom and post regiments on this model to garrison the frontier forts. They were to be allotted lands to cultivate, but also to receive pay from which the *duces* and their officials were to make no deductions for their own profit. It was Justinian's hope that the *limitanei* would be able to deal with local disturbances without help from the *comitatenses*.<sup>130</sup>

In addition to the formations described above, inherited from the fourth century, the army of the sixth century included units of what were called federates (*φειδέγατοι*). The meaning of this term had however changed. Justinian did employ federates in the old sense, contingents supplied under treaty by allied tribes, either outside the empire or settled on lands within the frontier. Procopius mentions at various times such contingents of Huns, Heruls, Gepids and Lombards from the Danubian lands, Moors from the Sahara and Goths from the Crimea. They were summoned for particular campaigns, and served under their own native chieftains. But these contingents are now styled 'allies' (*σύμμαχοι*).<sup>131</sup>

Procopius comments on the changed meaning of the term federates. In the old days, he explains, it meant free barbarians, and

barbarians only, serving under treaties (*φοίδερα*), like the Goths in the late fourth century. Unfortunately he does not explain what precisely the term meant in his own day, merely saying that anyone might now be enrolled under that name. In the context this might mean that any barbarians (and not only those of federate tribes) might serve, or that not only barbarians but Roman citizens were admitted. The implication is, at any rate, that most federates were still barbarians, and this is borne out by another passage in which he states that many of the Heruls (a federate tribe in the old sense which from time to time supplied contingents of 'allies') 'have become soldiers of the Romans, enrolled in the so-called federates'. Justinian also remarks that 'we often enrol Goths in the devoted federates'.<sup>132</sup>

The status and organisation of the new style federates are in many points obscure, but it is clear that they were regular troops. Procopius associates them closely with the 'soldiers', sometimes classifying them as such, sometimes distinguishing them from 'soldiers' in the technical sense of *comitatenses*. Justinian in a law prohibiting soldiers from taking up leases of land defines the term as including the *scholae*, those who served under the *magistri militum*, and the federates. In a later law, while distinguishing 'soldiers' (*comitatenses*) from federates, he forbids both alike to take service under private persons, and threatens both with the same penalties, expulsion from the service or death. In yet another law in which he lays down the conditions under which wives may presume the death of their husbands on active service, the regulations apply to the *scholae*, the 'soldiers' and the federates.<sup>133</sup>

The federates were enrolled in regiments (*τάγματα*): in general remissions of arrears the accounts of regiments of 'soldiers' and federates which were undergoing audit were excepted. When on active service they were commanded by regular Roman officers. But both in Procopius and in the laws a distinction is often drawn between the *numeri* (*κατάλογοι, αριθμοί*) of the *comitatenses* and the federates. The latter appear to have been administratively controlled by their paymasters (*optiones*). One law speaks of 'those who are adorned with the title of federates under various paymasters'. Another orders that 'soldiers' be returned to their *numeri*, federates to their paymasters. A third law directs the wife of a 'soldier' to obtain verification of his death from the *priores* and chartularies (or if he is not absent the tribune) of his regiment, but the wife of a federate to make enquiries of his paymaster.<sup>134</sup>

From all this it emerges that federates were in the main barbarians (though Romans were probably accepted). They seem to have been volunteers, individually recruited, and signed on as regular

soldiers. They received pay like the *comitatenses*, and were subject to the same disciplinary rules as they: a minor exception was that Gothic federates were allowed to practise their Arian cult. They were grouped in regiments, which were technically not ranked as regular *numeri* and were administered by *optiones*. They do not appear to have had established tribunes, but when on active service were placed under the command of regular Roman officers. Similarly they were normally not under the command of the *magistri militum*, but when on active service were subject to the *magister* in charge of operations. They were perhaps when not on active service under the authority of a high ranking officer styled the *comes foederatorum*, but the history and character of this office are most obscure. According to late and unreliable sources Areobindus held the office under Theodosius II and Patriciolus under Zeno or Anastasius. It is first firmly attested in 548-9 when Justinian appointed Artabanus *magister militum in praesenti* and *comes foederatorum* concurrently. Federates were mainly used in the field armies for active operations, but some were stationed in frontier provinces; the *dux* of Palestine had federates as well as *limitanei* and *comitatenses* under his command. They appear, on our evidence, to have been exclusively cavalry.<sup>135</sup>

The origin of this system of what may be called foreign legions can only be conjectured. According to Olympiodorus 'the term *bucellarius* was in the days of Honorius applied not only to Roman soldiers but to some Goths too, and similarly the term federates was applied to a mixed and various horde'. This may mean that the word federate was used not only for tribal contingents serving under a treaty, but for mixed bands of barbarians who collected around a notable warrior like Sarus, and were by him put at the disposal of the government. It also seems to be implied that such bands were also called *bucellarii*. A law of Honorius dated 406, which invites to the colours slaves, especially those of soldiers, and of *foederati* and *dediticii*, probably refers to federates of this type. The Roman government could hardly have expected allied tribes to surrender their slaves, but might have demanded this of casual barbarian bands in their pay. The distinction between *foederati* and *dediticii* may be between volunteers serving under contract and prisoners of war or deserters who had been embodied in similar bands.<sup>136</sup>

Similar federate units seem to have existed in the East at the same period. Synesius implies that the Unnigardi were 'allies', by which he presumably means federates, and they were certainly barbarians; indeed except under the command of so able an officer as Anysius their loyalty and discipline would have been doubtful.

But they were not only commanded by Roman officers, but received their horses and arms and pay from the Roman government. A curious story in the Life of Daniel the Stylite shows that the Eastern government continued to make use of such groups. The emperor Leo, we are told, invited from Gaul a notable warrior named Titus with his band of barbarians, and honoured him with the title of *comes*. On his arrival he sent him to Daniel to receive his blessing, with the unfortunate result that Titus decided to become a hermit, and paid off his barbarians (called in the narrative *bucellarii*). Such bands of so-called federates must have been put permanently on the payroll, kept up to strength by the recruitment of casual barbarian volunteers and gradually brought under the administrative control of their Roman paymasters and subjected to Roman discipline, until they ultimately emerged in the sixth century as regular foreign legions.<sup>137</sup>

While the term *foederati* came to denote these barbarian soldiers on the payroll of the imperial government, the rival term *bucellarii* came to mean military retainers employed by private individuals. The practice can be traced back to the end of the fourth century, when Rufinus is said to have had a large barbarian bodyguard as praetorian prefect of the East. Several masters of the soldiers—Stilicho and Aetius in the West and Aspar in the East—are also recorded to have possessed substantial private bodyguards, and private individuals also maintained them—Valerian, a wealthy decurion of Emesa, in 444 overpowered the governor of Phoenice Libanensis with his 'great horde of barbarians'. Leo in 476 forbade private landowners to maintain gangs of armed slaves, *bucellarii* or Isaurians, but the practice, though illegal, remained common among great territorial magnates like the Apion family of Egypt. Among civilian officials it was apparently connived at, but few had large bodies of retainers—Procopius says that John the Capadocian was exceptional among praetorian prefects in possessing a bodyguard of several thousand.<sup>138</sup>

Among military officers the practice was officially sanctioned, as is shown by the fact that their *bucellarii* swore an oath of allegiance not only to their employer but to the emperor. These officially recognised private retainers of generals are relevant to our present purpose, since they often formed a quite substantial part of the expeditionary forces which their employers commanded and were used just like regular troops. Their numbers naturally varied according to the wealth and standing of their employer and his character. Belisarius, who was very rich and lavish in temperament, had at one time as many as 7,000. The parsimonious Narses was content with under 400. Between these extremes Valerian,



*magister militum* of Armenia, had over 1,000, whom he took with him as reinforcements when posted to Italy. Lesser commanders also had their smaller bands.<sup>139</sup>

*Bucellarii* were recruited from Romans and barbarians alike; Procopius mentions Armenians, Cilicians, Cappadocians, Pisidians, Isaurians and Thracians, and from outside the empire Huns and Persians. In a great household, like that of Belisarius, they had a commander-in-chief, the majordomo (ἐφεστῶς τῇ οἰκίᾳ), and a paymaster (*optio*). They were divided into officers (δορυφοροί) and privates (ὑπασπισταί). The men served not only as the commander's guard, but as troops of the line in battle, and detachments of them were often used, by themselves or in conjunction with regular units, for special operations of importance. Their officers were frequently entrusted with such independent missions, either on their own or accompanying a regular officer; they might occasionally be put in command of regular troops. They were sometimes promoted to be regular officers. Paul the Cilician, Belisarius' majordomo, was later tribune of a cavalry regiment, and Belisarius himself had started his career as a *bucellarius* of Justinian when he was master of the soldiers. Another of Justinian's *bucellarii*, Sittas, became *magister militum* of Armenia, and yet another, Chilbudius, *magister militum* of Thrace.<sup>140</sup>

Such was the structure of the army of Justinian. The relative strength of its various elements is impossible to estimate, for we have no figures either for the *limitanei*, or for the *comitatenses* who with them garrisoned the provinces. It can however be asserted that Romans greatly predominated not only in the army as a whole, but in the expeditionary forces, where alone barbarians, whether federates or allies, were used on any considerable scale. The force which conquered Africa comprised about 11,500 *comitatenses*, 3,500 federates and 1,000 Herul and Hun allies, with an unknown number of *bucellarii*, who seem to have been for the most part Romans. The army which invaded Sicily and Italy included, besides an unknown number of *bucellarii*, 3,000 Isaurians and 4,000 other regulars, both *comitatenses* and federates, and only 500 Hun and Moorish allies. It was reinforced next year by 4,800 *comitatenses*, including 3,000 Isaurians and 800 Thracians, in the year following by 5,000 *comitatenses* and 2,000 Heruls, and in 542 by Thracian and Armenian regulars together with a few Huns. Later some regular regiments were transferred from Illyricum to Italy and in 544 Belisarius brought with him 4,000 men, some of whom were old regulars, but the majority new recruits from Thrace.<sup>141</sup>

The force collected by Germanus in 549-50 for Italy comprised the army of Illyricum and some regular regiments from Thrace,

as well as new recruits raised in Thrace and Illyricum, together with a band of Herul allies and many casual barbarian recruits. In 552 Narses took over this force, and added to it a large body of regulars from Constantinople: he also raised many men from Thrace and Illyricum. But he had to rely more on barbarians. Auduin, king of the Lombards, provided a contingent of 2,500 warriors, who were accompanied by over 3,000 retainers, and the Heruls over 3,000 cavalry. Other miscellaneous barbarian troops included a body of Persian deserters under a grandson of the Great King, and two free-lance bands of Gepids and Heruls; both these were small, the Gepids numbering only 400. Under the stress of the long-drawn-out Gothic war Roman manpower had to be increasingly supplemented by barbarians, but contingents from allied tribes were in general very sparingly used, and the federate regiments seem to have been a small minority of the regulars.<sup>142</sup>

The enrolment of recruits was rigorously centralised by Zeno. Hitherto the *magistri militum* and the *duces* had been allowed to issue the *probatoriae*. Now Zeno enacted that all *probatoriae*, not only for the *comitatenses* but for the *limitanei*, were to be issued from the imperial *scrinia*. The *magistri* and *duces* were to notify the emperor of the precise number of vacancies in each unit to be filled, and *probatoriae* would be sent out accordingly.<sup>143</sup>

In the system of recruitment there had been a complete change since the early fifth century. The compilers of the Justinian Code preserved the laws prohibiting the enrolment of certain classes—slaves, *coloni adscripticii*, *curiales* and *cobortales*. But they carefully eliminated all laws relating to the hereditary obligation of soldiers' sons to serve, and all references to conscription. The conclusion seems inescapable that recruitment was entirely voluntary in Justinian's day. This is borne out by what little we know from other sources. In 544 Belisarius 'went round the whole of Thrace, handing out money lavishly, and collected volunteer recruits'. In 549 Germanus, 'by handing out without stint the large sums he had received from the emperor, and more from his own pocket, was easily able in a brief space to collect a surprisingly large army of good fighting men', mainly from Thrace and Illyricum. To raise men for the expeditionary forces it was evidently the practice to conduct recruiting campaigns, offering attractive bounties, in certain areas, notably the Balkans and eastern Asia Minor.<sup>144</sup>

Normal recruiting for the static units of *comitatenses* seems, on the Egyptian evidence, which is all we have, to have been local.

The names of soldiers serving in Egypt are often distinctively Egyptian, and if they are not, belong to the common stock of names usual throughout the Eastern provinces. In the rare cases where a man's origin is stated, it is the town where he was stationed; thus in a document dated 508 two Arsinoite brothers are recorded as serving in the *Transtigritani* and the *Leones Clibanarii*, both units stationed at Arsinoe. Service was, no doubt, often in practice hereditary; a Ravennate document of 639 reveals that Paulacis, a soldier of the *Armenii*, was son of Stephanus, the late *primicerius* of the regiment of Verona. The local and hereditary character of military service was even more marked among the *limitanei*. Dios, the grandfather of Paternuthis' wife Caco, is described as a boatman only, but this is no proof that he was not a soldier also. He brought up his eldest son Jacob in his own trade, but also paid one solidus for his enrolment fee (*στρατευσιμόν*). His other two sons, Victor and Paëon, were under age when he died, but seven years later Flavius Paëon, son of Dios, witnesses a deed as a soldier of the regiment of Syene. Jacob's son John, Caco's brother, was both a boatman and a soldier of the same unit.<sup>145</sup>

We possess two official documents relating to the enrolment of *limitanei*. One is a very verbose letter (in Greek) from the *priores* of the regiment of Elephantine to Flavius Paternuthis, son of Dios, newly enrolled recruit of the same unit, informing him that they have received his *probatoria* (with others) from the Augustal *dux* of the Thebaid, instructing them to enrol him from January 1st next (579). The other is a letter addressed in 505 (in Latin) by the *dux* of the Thebaid to the tribune at Hermopolis, informing him that in accordance with the emperor's orders to enrol able-bodied recruits in the regiments to bring them up to strength, he has instructed Heracleon, son of Constantinius, of Hermopolis, to serve in the addressee's vexillation (the *Equites Mauri*). The tribune is to have Heracleon's name entered on the roll of the regiment and see that his *annonae* are paid to him from a given date, provided that he comes of military stock (*ex genere oritur militari*) and is not a *curialis* or a *praesidialis* (i.e. *cohortalis*) or *censibus adscriptus*, or physically unfit, and has attained the age of eighteen. The negative clauses were no doubt common form, and hardly necessary in this case, as if the man were of military family he could not well be a *curialis*, *cohortalis* or *colonus adscripticius*. The positive condition suggests that service in the *limitanei* was now restricted to descendants of soldiers, but was a privilege rather than an obligation.<sup>146</sup>

The revolution in recruitment is a surprising one. Military service had not been made more attractive since the fourth century; the pay was no better, and abuses were as rampant. The army may

have been smaller, but the proportion of barbarians seems to have been less than in the middle years of the fourth century, and markedly less than in the late fourth and early fifth. Yet Justinian was able to keep numbers up, and probably increase them, without resorting to conscription. It may be that economic conditions were worse, and that there was a large reservoir of unemployed or underemployed men, particularly landless peasants, on which to draw. But the revolution was partly due to a change of policy. Now that recruitment for the static units, both of the *limitanei* and of the *comitatenses*, was local, men no doubt came forward more readily, knowing that they would not be torn from their homes and posted to some distant province, but could look forward to a not too strenuous or dangerous career in familiar surroundings. For the genuine field armies the government drew not only upon Thrace and Illyricum, lands of sturdy peasant proprietors which had been since the early Principate among the most important recruiting grounds of the empire, but on eastern Asia Minor. Here there was splendid fighting material, but it had been neglected down to the middle years of the fifth century, and the poverty-stricken mountaineers had been left to maintain themselves by brigandage. Theodosius II seems to have begun the policy of recruiting Isaurians, and Leo and Zeno pursued it on a large scale. The warlike spirit of the mountaineers was thus directed into a useful channel, and the army assured of a steady flow of good recruits.

The accession donative still stood at the traditional amount of five solidi and 1 lb. of silver, except that Tiberius Constantine paid the whole sum in gold—nine solidi. The quinquennial donative stood at five solidi under Anastasius. If Procopius is to be believed Justinian suspended its payment, and it fell into desuetude, but it is hardly credible that so drastic a reduction could have been made without raising violent protests which would have been recorded by other contemporary writers. A possible explanation of Procopius' statement may be that Justinian rationalised the pay system by converting the quinquennial donative into an annual payment of one solidus a year and amalgamating it with the commutation for *annona*. The *annona* was commuted for four solidi in Africa in the middle of the fifth century, and the same computation recurs in Egypt under Justinian for cash *annonae* (*αἱ ἐν χρυσῷ ἀννόαι*) paid to officers. In Africa however Justinian computes *annonae* at five solidi in the salary scales of civil servants.

There is no trace by this date of any annual cash *stipendium*, but soldiers by now received regular (in theory no doubt annual) cash allowances for uniform and arms. This emerges clearly from Theophylact's account of an attempted reform by Maurice, who

proposed to divide the emoluments of soldiers into three parts, uniform, arms and gold coin. This attempt to restore issues in kind caused violent resentment in the army, which suggests that soldiers did not spend their allowances in full on equipping themselves. Its motive was apparently mainly economy, but no doubt also efficiency: hitherto the treasury had paid out in allowances more than was absolutely necessary for equipment, and the soldiers were ill armed and clad. That arms were no longer a free issue is also implied by Procopius' praise of Belisarius' generosity in replacing arms lost in battle by his men at his own expense; if the soldier drew a regular arms allowance and equipped himself, he obviously would suffer financially by losing his arms. Procopius also mentions horses in the same connection. The issue of horses had long been commuted, and the commutation had, it would seem from this passage, become a fixed cash allowance.<sup>147</sup>

This does not mean that the supply of clothing, arms and horses was left entirely to private enterprise. The state clothing factories still operated, and the law of 423, whereby they provided uniforms in kind to recruits and private soldiers, is preserved in the Justinian Code. Imperial stud farms are mentioned in Thrace and in eastern Asia Minor, from which horses were supplied to the army, presumably for free issue to recruits, and perhaps for purchase by serving troopers who required remounts. The imperial arms factories also continued to function. Leo laid down careful regulations for the transport of consignments of arms, by ship or wagon, from the factories. Justinian, in the interests of public security, made the manufacture of arms an imperial monopoly. No private citizen might henceforth make or sell arms, and private armourers were to be enrolled, if suitable, in the imperial factories. The armourers, styled *deputati*, attached to each regiment, were to confine themselves to repair and maintenance work, and so were the corps of *ballistarii* which the emperor had established in various cities for defensive purposes. Arms illicitly produced or sold were to be confiscated, and all arms were to be stored either in the imperial arsenal (*τὸ θεῖον ἀρμαμέντον*) or in the public armouries (*δημόσιαι ὀπλοθήκαι*) established in certain cities, apparently for issue to the citizens in case of hostile attack. If these regulations were kept, soldiers could have bought their arms only from the state.<sup>148</sup>

As a general rule *limitanei* seem to have received allowances in cash in lieu of rations and fodder, but the system may have varied on different frontiers. In Palestine full commutation had been introduced before 409, and in Libya Pentapolis the *castrensi* apparently bought their food by compulsory purchase—they were forbidden to visit the barbarians for this purpose. On the other

hand the Code preserves an old law regulating the transport of foodstuffs to the more distant forts on the frontiers—the men were still entitled to delivery of two-thirds at their forts, but had to carry the remaining third themselves.<sup>149</sup>

The *comitatenses* probably in principle received rations and fodder in kind. A proportion of the land tax was still under Anastasius and Justinian assessed in foodstuffs for the consumption of the army. Anastasius so arranged the assessment that sufficient supplies should be available from this source, except in the diocese of Thrace, where, as he explains, owing to the devastated state of the country the taxes in kind were insufficient to feed the numerous troops stationed there. In Thrace accordingly compulsory purchase, forbidden elsewhere except for emergencies by special imperial order, was permitted as a regular practice. Supplies were issued to the regiments of *comitatenses* and *federates*, as in the earlier period, by *delegatoriae*, or warrants from the praetorian prefect entitling them to draw specified quantities of foodstuffs from the revenues of a given province. The next stage in the procedure, as revealed by Egyptian documents, was that the actuary of the unit applied to the *officium* of the provincial governor, who issued an order (or orders) to certain villages (similar orders were also issued to large landowners) to supply specified quantities of foodstuffs, against a receipt (*formaria*) given by the actuary, which would entitle them to deduct the amounts supplied from their assessed tax.<sup>150</sup>

In certain cases the regulations provided for commutation of rations and fodder. Actuaries were forbidden to draw in kind for soldiers who were on leave, or were seconded for guard duties to private persons, lest the foodstuffs should deteriorate during their absence. Soldiers were entitled to opt for commutation, and an actuary who had bought a soldier's rations might collect them in money, but only with the consent of the taxpayer. Commutation was in these cases made according to a schedule of prices laid down by the prefecture in each annual indiction.<sup>151</sup>

The Egyptian documents reveal that by the middle of the sixth century the levy of foodstuffs in kind had become a formality. A typical order from the provincial governor to a village specifies the amounts to be delivered to the actuary in the form:

203 *artabae* of wheat  
8750 units of wine or meat

and specifies in detail:

wheat in gold at 40 *modii* to 1 solidus—203 *artabae*  
wine or meat —8750 units  
of which in gold at 200 units to 1 solidus—5,000 units

Thus the bulk of the levy was officially commuted at fixed prices. But the corresponding receipt (*formaria*) issued by the actuary for the wine and meat runs:

|                   |                   |
|-------------------|-------------------|
| wine or meat      | 8,750 units       |
| of which in gold  | 5,000 units       |
| total 8,750 units | making 50 solidi. |

In other words the actuary took the whole levy in gold. For the 5,000 units officially commuted he received 25 solidi (at 200 units to the solidus); for the remaining 3,750 units he extracted commutation at a higher rate (25 solidi for 3,750 units works out at 150 units to the solidus).<sup>152</sup>

This did not necessarily mean that the troops received cash allowances instead of rations and fodder; when on active service or in transit they were certainly fed by their actuaries. When supplies ran short in Rome in 537 Belisarius announced to the troops 'that he could no longer furnish them with rations in the usual way during the siege, but they must draw half daily in actual provisions, and the rest in money'. For troops in transit Justinian enacted elaborate regulations. Special officials known as *delegatores* were to accompany the troops, and arrangements were to be made in advance by the governors of the provinces concerned to collect foodstuffs in the cities and estates along the route. The *optiones* of the units were to draw rations in kind, and to issue receipts (here called *recanta*) to the taxpayers who furnished the food. These *recanta* entitled the taxpayer to deduct the amount from his next tax payment; if the amount exceeded his assessment, he would be paid in cash from the revenues of the province, or if these did not suffice, from the general fund of the prefecture, or the credit would be carried over to the next indiction. Two accounts from Oxyrhynchus set out in great detail the rations and fodder issued to a detachment of troops (partly *bucellarii* of the *dux*) who stopped for a few days in the town in transit from the Thebaid.<sup>153</sup>

When a large expeditionary force was assembled, a deputy praetorian prefect was appointed *ad hoc*, as in the fifth century, to organise its supply. Several such officers are recorded on the Eastern front, and here, owing to the continuous wars, the post eventually became during Justinian's reign a permanent one. A special praetorian prefect also accompanied the expedition to Africa. The initial supply of the African expedition was entrusted to the praetorian prefect of the East, John the Cappadocian. Procopius tells how the biscuit (*bucellum*) which he provided went bad on the voyage, because, to save fuel and bakers' wages—and also to economise on wheat, since the loaves lost a quarter of their weight

by a proper double baking—he had given the bread only one baking in one of the public baths of Constantinople.<sup>154</sup>

The actuary became a caterer who with the money he drew in lieu of produce bought foodstuffs and provided meals for his men. He was entitled, even when he drew the food in kind, as when his regiment was in transit, to a customary commission of one fifteenth, and when he drew money and bought food, he doubtless was allowed to make a profit. A curious set of rough calculations from Egypt seems to have been made by an actuary. The writer sets out that 63 jars of wine or 55 pints of oil cost 18 carats, that a jar of wine produces  $6\frac{1}{2}$  issues (*δόλαι*) and a pint of oil 5 issues (presumably per man per day) and that  $15\frac{1}{2}$  issues of either wine or oil are 1 carat. If these figures are correct he was losing slightly on the oil ration but gaining substantially on the wine.<sup>155</sup>

Actuaries seem regularly to have supplied rations to their men on credit—the food supplied seems often to have cost more than the government allowance—and perhaps also to have made them loans, recovering their money (with interest) when the soldiers received their donative or other cash allowances. Anastasius issued an elaborate regulation on this question. Officials were periodically sent out from the offices of the *magistri militum* as *erogatores*. They were to pay what Anastasius calls their *solatia* direct to the soldiers, but if there was a dispute between a soldier and the actuary the money was to be sequestered until the *priores* or senior N.C.O.s of the unit had decided the issue. The actuary was forbidden to claim more than one *tremissis* per solidus as interest on any debt, however many years old. If men were on leave when the *erogator* arrived, their *solatia* were likewise to be sequestered until their accounts with the actuary had been cleared.<sup>156</sup>

The regulations for leave were by the sixth century more elastic. In Anastasius' day a tribune was authorised to give leave to up to thirty men in his unit at any one time: the corrupt grant of leave above this maximum was severely penalised. Justinian was also insistent that tribunes must not make money by granting leave (presumably beyond the legal maximum) and thus weaken their units. All allusions to family allowances have been eliminated from the Code, and it may be presumed that they had been suppressed.<sup>157</sup>

Non-commissioned grades remained unchanged from the fourth century and were still remunerated by multiple *annonae* (and *capitus*), probably on the same scale. The old distinction between the *comitatenses* and *limitanei* in the titles of their N.C.O.s remained. The former had their *circitores*, *biarchi* and so forth up to *senator* and finally *primicerius*, but in the legions of Syene, Philae and Elephantine the old grades which had existed under the Roman



Republic still survived down to the Arab conquest. The *priores* of the regiment of Elephantine, listed in the recruitment paper of Paternuthis, included the *primicerius* and seven other *ordinarii*, one of whom was the unit's *adiutor*, who kept its records. Among the witnesses to the Paternuthis deeds figure *Augustales* and *Flaviales* (grades believed by Vegetius to date back to Augustus and Vespasian) and numerous centurions, as well as a drummer (*τυμπανόγιος*), a surgeon (*ιατρός*), two *draconarii*, a *campidoctor*, several actuaries or former actuaries, and a number of *vicarii* or former *vicarii*. This last grade, lieutenant commander of the unit, appears commonly in the papyri and the laws. Its growing importance is perhaps due to the fact that, as Justinian implicitly admits, tribunes were often absentees.<sup>158</sup>

The Codex Justinianus, while preserving some laws on the fiscal immunities of veterans, omits all reference to grants of land or discharge bounties. The need for discharge bounties was less felt, no doubt, because there was by the sixth century no age limit for service. It appears from Anastasius' regulations for the troops in Pentapolis that the *priores* of each unit, among both the *comitatenses* and the *limitanei*, were guaranteed against discharge as infirm or unfit for service; this privilege was limited to five per cent. of the strength of each unit. Thus in the normal course of promotion a man might reasonably hope to reach sufficient seniority to guarantee him his pay for the rest of his life, or at any rate until he had saved enough from his now ample pay to retire in comfort. As Procopius explains the system, 'for those who are still young and have recently joined the pay is less, but it increases for those who have undergone some service and are now half way up the roll, while for those who have reached old age and are about to be released from the army the salary is much more lavish still, so that they themselves may for the future have enough to live on in private life, and when they are to end their lives may be able to leave to their family some solace from their own property'.<sup>159</sup>

Justinian, inspired it would seem by a desire for economy rather than for efficiency, suppressed this abuse, sending round *scribonēs* to inspect regiments and ruthlessly discharging the aged and infirm. As he made no provision for their maintenance, Procopius is justified in his protests against this measure. No provision was made for men disabled owing to wounds until Maurice enacted that they should be discharged and settled in cities, drawing a pension from the treasury. Maurice also provided for the orphans of men killed in action, ordering that their only or eldest son should succeed forthwith to their father's rank and emoluments up to the grade of *biarchus*.<sup>160</sup>

We know very little of how officers were appointed at this period. Some few are known to have started their careers as *bucellarii* of generals, but such promotion may not have been common; in most of the known cases their employer had subsequently become emperor, and was thus in a position to grant commissions to his own men. The example of the emperor Justin shows that it was still possible for a private soldier to rise to commissioned rank, but we cannot say if such advancement was usual. The great majority of officers seem to have been Roman citizens. Of the scores mentioned by Procopius and Agathias only about a dozen—three Huns, two Heruls, an Iberian, a Goth, a Gepid, an Anta and three of unspecified race—are stated to have been barbarians. Agathias comments on the fact that three men, though barbarian by race, were tribunes of Roman regiments, and the fact that an officer's nationality is noted when he was a barbarian again suggests that such cases were exceptional.<sup>161</sup>

Officers continued to supplement their basic salaries by various perquisites, some by now legalised, others still forbidden. The *stellatura* (seven days' rations per man per year) was an established institution as was the twelfth part of the *annonae* of *limitanei* which went to their tribunes, *praepositi* and *duces*. Payments for grant of leave were illegal but evidently usual, and Justinian alludes to other customary but illicit deductions which officers made from the pay of their men. Officers also seem to have continued to appropriate the rations and fodder of men who existed only on paper. Procopius accused Justinian of having exploited this practice for the benefit of the treasury. The emperor, he says, sent round auditors (*λογοθέται*) to check the accounts of all units, stimulating their zeal by granting them a commission of one-twelfth on all economies that they made. These auditors did not allow the names of senior men who had died to be removed from the rolls. The treasury saved their pay, which was high, but as a result numbers fell below establishment, and the avenue of promotion was blocked, so that the surviving men continued to draw the lower pay of the junior ranks. Here, no doubt, as often in the Secret History, Procopius is maliciously attributing to Justinian's design what were in fact normal abuses of the day. It is possible that Justinian in the interests of economy deliberately kept some units below establishment, and left unfilled the highest grades, which, as a fourth-century critic had already observed, occasioned the heaviest expense. But it seems more likely that officers often kept the names of dead seniors on the books, and that Justinian's auditors connived at this practice.<sup>162</sup>

Officers' salaries were still reckoned in *annonae* and *capitus*, but these were always commuted. We have no detailed information

except about a general, the *dux* of Libya Inferior, which Justinian confirmed at the existing figure. He drew 50 cash *annonae* and 50 cash *capitus* equivalent to 400 solidi (i.e. 4 solidi per *annona* or *capitus*). This was presumably his basic salary, commuted according to the law of 439 at the rates fixed in the *particularis delegatio* of Egypt. He also drew 90 *annonae* and 120 *capita* 'in kind', commuted for the curious sum of 1,005 $\frac{1}{4}$  solidi. These were probably his perquisites commuted at a complicated market price which had been fixed by custom. These figures betray how large a part of an officer's pay was by now derived from originally illegal perquisites.<sup>163</sup>

If it is true that Justinian suspended the quinquennial donative, soldiers in his day were all somewhat worse off than heretofore. A greater grievance was that their cash allowances were frequently allowed to fall seriously into arrear. Procopius declares that the *annonae* of the *limitanei* on the Eastern frontier fell behind by four or five years. The garrison of Beroea, which deserted to the Persians in 540 complaining that their pay was long in arrear, were perhaps *limitanei*. Otherwise no irregularities are recorded in the main body of the empire until Justinian's last years. In Africa and Italy local revenues did not suffice to pay the large bodies of troops which occupied them, and remittances of cash were sent irregularly from Constantinople, with the result that the troops often remained unpaid for years at a time. This had serious effects on discipline and morale. In Africa the mutiny led by Stotzas in 535 was partly due to lack of pay. In Italy long standing arrears had so dispirited the troops by 542 that they refused to take the field, and shortly afterwards the regiments transferred from Illyricum to Italy marched back to their old home stations, excusing their action to the emperor by the plea that they had long been unpaid. In 549 an Isaurian regiment, embittered by lack of pay, actually betrayed one of the gates of Rome to the Goths. Narses was only able to restore the situation in 552 by bringing with him a large sum of money to pay off long arrears.<sup>164</sup>

Nor did Justinian's attempts to reduce military expenditure by a rigorous audit of regimental accounts improve the temper of the army. The activities of Alexander, the military auditor sent to Italy in 542, are said to have caused great bitterness. At the end of Justinian's reign Agathias regards the misdeeds of these auditors and the arrears in pay, by now general and chronic, as being the two main factors in the decay of the army. The auditors probably did very necessary work in cutting out wasteful expenditure, but they no doubt, as Procopius and Agathias alleged, also misused their powers to blackmail the troops, threatening to discharge men

for relatively venial absenteeism or mere technical irregularities in their papers.<sup>165</sup>

After Justinian's death chronic financial difficulties made it increasingly difficult to pay the army regularly and in full. Maurice was driven to attempt dangerous economies. A proposal to reduce pay by 25 per cent. provoked a mutiny in the Eastern armies in which the newly appointed *magister militum* who announced the change had to flee for his life. A later attempt to economise by making the troops winter beyond the Danube and live off the country was the major cause of the great mutiny which cost Maurice his life.<sup>166</sup>

The recurrent and serious mutinies of the sixth century are something quite new in the history of the empire, and must indicate that the conditions of the troops had seriously deteriorated. In Justinian's reign the trouble was mainly confined to the expeditionary forces in Africa and Italy, where there were special difficulties in financing the armies. In the main body of the empire, where there was a well-established machinery for paying the troops, there seems to have been no serious trouble until Maurice tried to reduce military pay.

The position of the men in the expeditionary forces was, moreover, rather different from that of the troops at home stations. The former had nothing to live on except their pay and allowances. Being on active service they had no opportunity of earning money on the side, and many of them were very poor men, volunteers from Illyricum, Thrace and eastern Asia Minor, who had probably joined up because they were landless or their fathers' farms were too small to maintain several adult sons. Men at home stations had other means of maintaining themselves, and would not starve or get into hopeless debt to their actuaries if they were not punctually paid. It is significant that the Illyrian regiments transferred to Italy did not desert or mutiny, but quietly returned to their home stations. There no doubt they could count on more regular pay through the established fiscal routine, but they probably also could return to part-time jobs which they had had to abandon when they were moved to Italy.

By no means all soldiers were poor men. Many of the *limitanei* had lands which they cultivated. Paternuthis and his relatives in law, though none of them owned any agricultural land, seem to have been tolerably prosperous in a small way, with their boats and bits of house property. They could at any rate afford to indulge in litigation, and must have spent a considerable sum in notaries' fees drawing up the long settlements to which they solemnly swore and which they habitually violated. Among the *comitatenses* sons

of old soldiers who enlisted often inherited in due course a quite comfortable fortune accumulated by their fathers during the lucrative final years of their service. A document from Italy dated 639 reveals that Paulicis, a private in the regiment of the Armenians, son of the late Stephanus, *primicerius* of the regiment of Verona, owned a quarter share in a farm which must have been fairly substantial: he 'gave' it to the church of Ravenna in consideration of a cash payment of thirty-six solidi down, and the grant to himself of an emphyteutic lease of the land at a perpetual rent charge of one solidus a year. The army of occupation in Italy had by now, as other documents show, settled down comfortably, and many of the men had by investing their savings or by prudent marriages acquired landed property. Both processes are illustrated by a document dated 591 whereby Tsitas, a private in the Perso-Armenians, sold for twenty-four solidi a half share in a farm owned by his wife to John, a retired N.C.O. (*adorator*) of the Felices Ravenates. In Africa the army began to dig itself in very early. Many of the troops married the widows or daughters of the defeated Vandals, and their indignation was great when the imperial government ruled that the *sortes Vandalorum* were crown property.<sup>167</sup>

One of the most important and most difficult questions, that of numbers, has been left to the last. It has been argued in an earlier chapter that Diocletian, if he did not as Lactantius avers more than quadruple the army, increased it very substantially, perhaps to the order of 50 per cent. or even 100 per cent. John Lydus gives us very precise figures for Diocletian's army, 389,704 with 45,562 in the fleets, making a total of 435,266. These figures command some respect by their very precision—John may have extracted them from some old papers in the praetorian prefecture of the East, where he served. Unfortunately we do not know to what period of Diocletian's reign they refer, and the totals would have been very different at his accession and his abdication. Zosimus gives figures for Constantine's and Maxentius' armies in 312, 98,000 and 188,000 respectively. If these are to be taken as their total strengths, and not, as he implies, the actual armies which they put into the field in the campaign of 312, the gross total of 286,000 for the western half of the empire would tally more or less with John's figure of 435,266 for the whole empire. A rise of about 33½ per cent. is not impossible if it be allowed that John's figure does not represent Diocletian's maximum strength, and that since his abdication his successors had continued to increase their forces. The next gross

figure which we have is from Agathias, who, writing after Justinian's death, states that in the old days the army had numbered 645,000. It is not known from what source Agathias quoted this number, but its relative precision suggests that it is not a mere estimate, but based on official figures. Nor is it known to what date it applies, but it presumably refers to the united empire, and in that case cannot be later than 395, after which no figure for the West could have been available in the East. It indicates an increase in the order of 10 per cent. to 15 per cent. on the early fourth century.<sup>168</sup>

It might seem possible to check this last figure from the *Notitia Dignitatum*. In the Eastern section the army lists are homogeneous and probably belong to the early years of the fifth century, very shortly after the period to which Agathias' figure seems to refer: there is one page missing, that which set out the forces under the *dux* of Libya, but allowance can be made for this. The Western lists are more of a problem, for they have been revised piecemeal, and incompletely, down to the end of Honorius' reign. In certain areas, the Danubian provinces, Britain, Africa and Spain, the lists of *limitanei* appear to have been preserved with little revision, if any, from the late fourth century, and are therefore useful for our purposes. In Gaul on the other hand the lists show the *limitanei* drastically reduced by the losses incurred in the barbarian invasions of the early fifth century and by the transfer of many of the surviving units to the field army. The lists of the field army are also late.<sup>169</sup>

The main difficulty in using the *Notitia* is that we do not know for certain the establishments of any of the types of unit which it records. Under the Principate cohorts and *alae* (except for a few double strength units styled *milliariae* of which only four cohorts and four *alae* are listed in the *Notitia*) numbered 500. There is no reason to believe that their establishment had ever been altered, and it may be presumed to have been the same in the later empire.<sup>170</sup>

With legions the case is different and more complicated. The legion of the Principate numbered about 6,000 men, and it is probable that the new legions which Diocletian raised were on the same scale. The legions of the *Notitia* were however no longer of this strength. It had been the practice since the second century to detach contingents (called *vexillationes*) from the legions to form temporary expeditionary forces: their strength no doubt varied, but some are styled *milliariae*, and 1,000 men may be conjectured to have been the norm. From the reign of Diocletian such detachments began to be severed from their parent legion. Some were permanently posted in a different province, to which they had

been sent for a campaign: thus contingents from V Macedonica and XIII Gemina, which probably formed part of Diocletian's expeditionary force to Egypt in 295, are still found there in the Notitia, where they are styled legions. Others remained in the imperial *comitatus*, and finally became *legiones palatinae* or *comitatenses*.<sup>171</sup>

These legions were then probably about 1,000 strong and it is likely that this became the standard strength of the legions of the field army which were subsequently raised. The few legions added after Diocletian's time to the frontier were no doubt also on this scale. There is, however, no reason to believe that the old (and Diocletianic) legions on the frontiers were uniformly scaled down to 1,000 men. Most of them were probably reduced by the loss of two or three detachments; from the Notitia this can be proved only in a minority of cases, but many legionary detachments in the field armies may in the course of time have been destroyed, and some are concealed under nicknames. Even so, however, one would expect the rumps of the frontier legions to have remained at two-thirds or half their original strength. Along the Danube there is strong evidence that they did, for the Notitia shows the legions subdivided into three, four, five or even six local detachments, and unless these were abnormally small the legions before division must all have been well over 1,000 and in some cases at least half of their original establishment. On the Eastern frontier and elsewhere, where the legions were not broken up into smaller groups, there is no clue to their size, but there is no reason to believe that these legions were more reduced by the loss of detachments than those of the Danube: in fact very few of the eastern legions can be proved to have contributed any detachments to the field armies.<sup>172</sup>

For the new types of formation which do not go back to the principate, the evidence is even more unsatisfactory. A *schola* of the guards under Justinian numbered 500, and at the same period John Lydus gives the same figure for a *vexillatio*. As this was also the standard figure for an *ala* it may be postulated, in default of other evidence, as the normal strength of all cavalry units, the vexillations of the field army and those labelled *equites* or *cunei equitum* in the frontier forces. There is no direct evidence for the strength of the new infantry units, the *auxilia*, whether palatine or among the *limitanei*. Nor is there any evidence for the various miscellaneous formations—*numeri*, units of the fleet, and those vaguely styled *milites*—in the frontier armies.<sup>173</sup>

Ammianus provides some useful information. During the siege of Amida in 359 he tells us that about 20,000 persons were crammed

into the little town, including, besides the citizens and civilian refugees from the neighbouring area, seven legions (V Parthica, which was the permanent garrison, two raised by Magnentius and transferred from Gaul, the *Superventores* and the *Praeventores*, and the Thirtieth and the Tenth) and some other troops. This does not prove more than that the six legions of the field army cannot have numbered much more than 1,000 each, if indeed they reached that figure: Ammianus' number refers of course to the actual strength of the legions, which were probably much reduced from establishment by the casualties of the long war. Constantius demanded from Julian not only four *auxilia palatina*, but 300 men picked from each of his other units (or at any rate from some of his other units), and Valens in 377 formed an advance party to deal with the Goths in Thrace by picking 300 men from each regiment of his army. This implies that regiments of the field army cannot have numbered under 500 each. Gratian in 377 picked 500 men from each of his legions, for a special operation, which implies that legions of the *comitatenses* were—in actual fact and not only in ideal establishment—well above that figure. Zosimus gives two figures only. Five units withdrawn by Honorius from Illyricum for the defence of Italy totalled 6,000 men: these must be presumed to have been legions of *comitatenses*. If Zosimus is right, these units were some of them well over 1,000 strong. Later the Eastern government sent six regiments, totalling 4,000 men, to Honorius' aid by sea. These units were certainly infantry—Honorius used them to man the walls of Ravenna. They were perhaps all or most of them *auxilia palatina*, in which case an *auxilium* would have numbered 600 or 700.<sup>174</sup>

This evidence is a very unsatisfactory basis for statistical calculations, but it is possible to estimate with a very broad margin of error the approximate size of the armies listed in the Notitia. In the Eastern parts the field armies, if legions be reckoned at 1,000 men each and all other units at 500, come to a total of 104,000. This is probably an under-estimate, for no unit is known to have been under 500, some legions seem to have numbered over 1,000, and some of the *pseudocomitatenses*, which are all computed at the minimum figure of 500, were certainly legions. The *limitanei* of the Eastern parts, if the twenty-seven old legions are reckoned at 3,000 each, the few later legions and units styled *milliariae* at 1,000, and all the rest at 500, come to a total of 232,000. To this figure must be added the garrison of Libya, whose page is missing: on an average of all the other provinces they would number 16,000. The total of Eastern *limitanei* would thus be about 250,000. Of these 64,000 garrisoned the four Danubian provinces, about another



64,000 Egypt, the Thebaid and Libya, 115,000 the seven provinces on the Eastern frontier, while the *comes* of Isauria commanded 6,000. The grand total of the Eastern armies comes to 352,000, without counting the *scholae*, which numbered 3,500.

In the Western parts the field armies, as shown in the Notitia, total 45 legions and 136 other units, or, on the same basis of calculation which was used for the Eastern armies, 113,000. The *limitanei* of the four Danube provinces come to 81,000, those of Britain to 28,000, those of Spain and Tingitania to 9,500. But in Gaul and Africa only 27,000 are recorded. The total of *limitanei* thus comes to 145,500. But even this modest figure must be reduced, for twenty units, mostly from Gaul, appear to be duplicates, having already been counted among the *comitatenses*. The real total of the *limitanei* thus comes to 135,500, and the grand total of the Western armies to less than 250,000 (excluding the *scholae* at 2,500).

The lists of the Notitia show the Western armies as they existed about 425, after the heavy losses incurred in the great invasion of the early fifth century. The field armies had been maintained and perhaps even increased in nominal strength, but only by enrolling in them nearly all the *limitanei* of the African provinces and most of those that survived in Gaul. In the late fourth century the *comitatenses* may have stood at a rather lower figure, but the Rhine frontier would probably have had a garrison comparable with that of the Upper Danube (81,000) or the Lower Danube (64,000), while the three African provinces would have had six or seven legions and about twenty vexillations, perhaps as much as 30,000 men.

The actual total for the whole empire which can be calculated for the Notitia is about 600,000, rather less than Agathias' figure; if allowance is made for the losses recently incurred in the West, it would probably come to rather more. It can at least be claimed that, when due allowance is made for the wide margin of error in the calculations, the data provided by the Notitia are roughly consonant with Agathias' figure of 645,000 and give it some support.<sup>175</sup>

The number is of course a paper figure. It perhaps represents the numbers of the army if all units were up to establishment, perhaps the numbers contained in the annual returns of strength sent in to the imperial secretariat by the *magistri militum* and *duces*, and used by the praetorian prefecture as a basis for calculating *annonae* and *capitus*. Since no army is ever up to establishment, the latter figure would be somewhat lower. Whichever of the two it is, it is certainly considerably higher than the effective force which the government had at its disposal. It would include dead men and deserters kept on the books whose rations swelled the tribunes' emoluments. It probably by this time included many entirely fictive men whose

rations formed a customary perquisite of *duces* and tribunes. As an index of the military strength of the empire it has relatively little value. But as an index of the financial burden which the army imposed on the empire, it is significant, for whether they really were serving or were living as farmers or traders, and whether they were alive or dead or totally imaginary, pay and allowances were issued for 645,000 men.

For Justinian's reign we have no paper figures, but an estimate of the effective total. Agathias declares that by the end of Justinian's reign the army, including the forces in Italy, Africa and Spain, had through neglect and false economy been allowed to fall to barely 150,000. This round figure is clearly an estimate, and is equally clearly a pessimistic estimate, erring on the low side. But Agathias was a contemporary military historian and his figure must be taken seriously. It makes sense only if we assume that he had written off the *limitanei*: and this, if, as Procopius says, Justinian deprived them of the name of soldier, he may well have done. If so, Justinian's army, though nearly 50 per cent. larger than the field army of the East a century and a half before, was certainly small for the area which it had to defend. The Notitia shows, as we have seen, over 100,000 men in the Eastern field army. In Africa before the Vandal conquest there were about 25,000 *comitatenses* under the *comites* of Africa and Tingitania. In Pannonia under the *comes* of Illyricum there were another 15,000, and in Italy itself over 28,000. Thus, without counting the small area of Spain recovered from the Visigoths, Justinian's army of 150,000 was defending the same area which 170,000 men had failed to hold.<sup>176</sup>

In view of the large number of troops which the empire maintained it is surprising how small were the forces which it could put into the field for particular campaigns. The largest on record is the expeditionary force which Julian collected for his Persian campaign: it is the only army which was drawn from the united resources of the whole empire. According to Zosimus, who is here using a good source, it numbered 65,000 men; Zosimus speaks of the 18,000 men under Procopius as if they were to be added to the total, but probably they are included in it. A few years before, in 356, Constantius sent Barbatio against the Alamans with 25,000 men, and at the same time Julian could muster only 13,000 for the battle of Argentoratum. In 405 Stilicho had 30 regiments, perhaps 20,000 men, at his disposal to fight Radagaisus.<sup>177</sup>

In the sixth century the largest force on record is that which Anastasius assembled for the Persian war in 503: it was according to Procopius the greatest concentration of troops which was ever made on the Eastern front. A contemporary who lived on the spot

puts the total at 52,000, and gives circumstantial evidence which supports such a figure. In Justinian's reign Belisarius disposed of an army of 25,000 on the Eastern front in 530, and of 20,000 in the following year, while in 543 as many as 30,000 men were got together for the Persian war. In Illyricum there was an army of 15,000 in 499 to face a Bulgar inroad, and again in 548 when the Sclaveni and Antae invaded the country. Belisarius invaded Africa with only 15,000 regular troops (and 1,000 allies and an unspecified number of his own *bucellarii*). He attacked Sicily and Italy with an even smaller force, 7,000 regulars (with 500 allies and his *bucellarii*). The Italian front was several times reinforced, but in 542 there were only 12,000 men in the country, and in 554 18,000.<sup>178</sup>

These small figures need not, however, throw doubt on the gross totals. With all large armies it is difficult to put into the field for a given campaign more than a very small proportion of their total numbers; the great majority of the troops are tied down by various local commitments. This was markedly the case with the later Roman empire. The *limitanei* in the first place were tied down to local defence and internal security duties: they were useful and indeed indispensable in the eyes of the imperial government, which took some trouble to maintain their numbers and efficiency, but they were not available for a major campaign. They accounted, as we have seen, for about two-thirds of the total at the end of the fourth century.

The *comitatenses* were originally conceived as a mobile field army at the immediate disposal of the emperor and available for any front. But within a generation they had been subdivided into the palatine or praesental armies, which remained at the emperor's free disposal, and regional armies of ordinary *comitatenses*, allocated to the Eastern frontier, Thrace, Illyricum, Gaul, Africa, and even, it would seem, Britain at times. These regional armies were not absolutely static, it is true. Units could be, and were on emergency, transferred from them to reinforce the palatine troops. But it was never felt safe to denude any of the main fronts of *comitatenses* altogether, and it would appear that by Julian's day the Gallic army was composed mainly of locally enlisted men, Gauls and West Germans, who had spent all their lives in Gaul, and strongly resented being posted to the East.

The fact was that the *limitanei*, weakened by the withdrawal of their best elements to the *comitatenses*, could not be relied upon to hold a massive attack long enough to enable reinforcements to arrive from a distance, and tactical reserves (the regional *comitatenses*) were required in addition to the strategic reserve (the *palatini*). In the Eastern parts, about 60 per cent. of the *comita-*

*tenses* were at the end of the fourth century allocated to the tactical reserves, and in the West in the early years of the fifth century little more than 25 per cent. of the field army remained at the disposal of the *magistri praesentales*.

As time went on the regional armies of *comitatenses* became more and more static and were more and more dispersed, serving as permanent reinforcements to the provincial armies of *limitanei* on the actual frontier and in cities behind it. Many of them became in effect garrison troops whose main function it was to maintain internal security and assist the civil government in tax collection. By the end of the fifth century even the praesental armies had been partly absorbed in such duties. The troops under the command of the *duces* by now included, as we have seen, not only *limitanei* and *comitatenses* of the regional army, but some praesental units and federates. Many praesental units must also have been allocated to internal security duties in Asia Minor under the various military governors established there since the middle of the fifth century.

It was this recurring and constant tendency to disperse troops on local garrison and internal security duties which was perhaps the chief weakness of the later Roman army. Such troops always tended to degenerate. They rarely saw real active service and their training was neglected, so that they became mere gendarmerie. Discipline became slack, and many soldiers drifted into civilian avocations while remaining technically on strength. As more and more troops were frittered away and became virtually useless for field operations, more troops had to be raised to strengthen the field armies, and the army steadily grew in size and expense. But the number of real fighting troops available to meet a large-scale attack on the empire or to reconquer lost provinces did not rise and was rarely adequate for these tasks. The army was a heavy drain on the limited manpower of the empire, and an even heavier incubus on its meagre economic resources, but a very small proportion of the men and money was effectively used for defence.

## CHAPTER XVIII

### ROME AND CONSTANTINOPLE

ROME was already in Diocletian's day an anachronism. It had ceased to be the capital of the empire in any but a formal sense, and it never became so again. As an administrative centre Rome was under the later empire of no greater importance than a dozen other cities which were capitals of dioceses. It had never possessed any industry which served a wider public than its own citizens, and the establishment of an imperial clothing factory cannot have greatly enhanced its economic importance. It had never been a centre of commerce. Its survival as a large and prosperous city was due to the maintenance of its antique political prerogatives and to the growth of its new spiritual supremacy.<sup>1</sup>

One anachronistic privilege which obviously helped to maintain the city's population was the system of food doles. Partly by force of inertia, partly from a lingering sentimental regard for the Roman people, the imperial government maintained the free issues of food which had begun as political bribery in the days of the Republic and had been continued and enlarged by the earlier emperors. The number of recipients had fallen since the palmy days of the Principate, but in the middle of the fifth century, when the Western empire was on the verge of collapse, still stood at 120,000 persons.

Another survival was the senate. It had for centuries ceased to play any effective role in the government of the empire, but it remained a very wealthy body which enjoyed great social prestige. Rome was still the seat of the senate, and many senators, including the richest members of the order, maintained their town houses and resided there for a part at any rate of the year. Their vast servile households and hordes of clients not only made an appreciable addition to the population of Rome, but provided a market for local shopkeepers and craftsmen and for merchants who imported luxury goods from all quarters of the empire and from beyond its frontiers. The games which the senators gave attracted to the city a large floating population of charioteers, grooms, actors, singers and the like. As the main focus of senatorial society Rome was also

an important educational centre: its schools attracted from all the Western provinces and even from the Greek East ambitious young men who wished to drink from the fountain-head of Roman eloquence and Roman law—and to mix in high society.

The Roman church, richly endowed by the imperial munificence of Constantine and growing steadily wealthier generation by generation, supported many thousands of clergy, widows, virgins and paupers. Its shrines attracted hordes of pilgrims, and the growing authority of the popes drew to Rome an increasing stream of bishops and clergy, eager to expound their grievances or canvass their claims.

Constantinople on the other hand was founded as an imperial residence, and grew to greatness as an administrative capital. Successive emperors, it is true, bestowed upon the New Rome many of the privileges which old Rome enjoyed. Constantine himself initiated a free issue of corn to 80,000 persons. Constantius II bestowed on it a senate and instituted praetorian and consular games on the Roman model. Theodosius II gave imperial patronage to its university. Its church acquired vast wealth through the benefactions of the emperors and of senators, and its bishops exploited the secular prestige of the New Rome to build up and extend their spiritual authority. But all these were only incidental advantages derived from its primary role of imperial capital. Constantinople owed its phenomenal growth first and foremost to the fact that it was the seat of the emperor and his court. It housed the palatine ministries with their thousands of officials. It was the seat of the praetorian prefecture of the East which administered the five richest dioceses of the empire. It was the military headquarters of the two praesental armies of the East. The supreme courts of the emperor and the praetorian prefect and a multitude of lesser tribunals maintained a host of lawyers and attracted floods of litigants from every province. Crowds of suitors flowed in from all parts of the empire seeking redress for their grievances, exemptions, privileges and appointments.

These were undoubtedly the main factors in the greatness of Constantinople. The city seems to have possessed no major industries. In view of its favoured geographical situation it might have been expected to have become a centre of commerce, but we hear little of Constantinopolitan merchants: the city certainly never rivalled Alexandria in commercial importance. What eminence it achieved in other spheres it owed directly to the presence of the court and the government. Despite these advantages its schools in the sixth century still had strong and probably superior rivals in those of Athens, Alexandria and Berytus, and its church had wealthy

and powerful competitors in the other patriarchal sees of the East.

The difference between the two capitals is reflected in the housing statistics given in the two Notitiae. At Rome there were in the early fourth century under 1,800 *domus*, or separate houses occupied by one family, and about 45,000 *insulae*, or tenements in blocks of flats. In Constantinople the number of *insulae* is not recorded, but there were by the early fifth century 4,388 *domus*, about two and a half times as many as at Rome. In the Eastern capital there was, it would appear, a much larger middle class, consisting mainly of officials and lawyers and professional men, who lived in separate houses. In Rome there seems to have been a sharper break between a small number of wealthy householders and the mass of the population which lived in tenements.<sup>2</sup>

For a number of reasons we know much more about Rome than about Constantinople. There survives an ancient Notitia of either city enumerating the principal public buildings and monuments region by region, and also giving some statistical information on the number of houses, baths, bakeries, and similar institutions, and on the administration of the regions. The Notitia of Rome can be dated to about the end of the reign of Constantine, that of Constantinople is dedicated to Theodosius II. Apart from this our information on Constantinople is defective. The pages in the Notitia Dignitatum dealing with its prefect and his staff have fallen out. There are virtually no inscriptions from Constantinople, and it so happens that the Codes contain far fewer laws dealing with its affairs than with those of the old capital. For Rome we possess besides these sources the official despatches (*relationes*) of Symmachus as prefect of the city in 384-5, a group of despatches to and from his nephew Symmachus, prefect of the city in 418-9, relating to the disputed election of Pope Boniface and the accompanying riots, and the *Variae* of Cassiodorus, which include besides incidental notices the *formulae* of appointment of the various Roman magistrates.

For reasons which lay in its past history Rome was governed on quite different lines from the other cities of the empire. The services which were normally provided by the local council were in the capital administered directly by the imperial government. The administration of Constantinople seems to have been deliberately copied from that of Rome, and, so far as we can reconstruct it, followed its model very closely.

In supreme charge of the city was the *praefectus urbi*. This

ancient office, which went back to the days of Augustus, was still esteemed highly honourable, ranking immediately below that of praetorian prefect, and was normally filled by members of the best families of the senatorial aristocracy. The pressure of candidates for the office was heavy, and it was usually held for a brief term only: the average tenure was only a little over a year. With the position of the prefect of the city as president of the senate, judge of senators and judge of appeal over a group of provinces, we are not here concerned. In the city he was not only the supreme judicial authority and responsible for the maintenance of order, as he had been under the Principate. He was also responsible for all the civic services, whose heads were no longer as in earlier times co-ordinate with him and directly responsible to the emperor, but 'under his disposition'.<sup>3</sup>

This did not mean that they were appointed by him. They received their codicils of office from the emperor, who was rarely at Rome and seems often not to have consulted the wishes of the prefect. Praetextatus was informed in 368, evidently in response to a protest, that he should report any of the subordinate magistrates guilty of maladministration, and that the emperor would then, if he found the charge to be true, make another appointment either by the advice of the prefect or by his own choice. Symmachus had the temerity to complain of the poor quality of the subordinates sent to him from Milan and to advise the young emperor Valentinian II to take more care over appointments. He received a sharp rap over the knuckles, and subsequently took malicious pleasure in reporting back to the emperor appointments which contravened the law. A new *tribunus fori suarii* had arrived demanding to be installed in office forthwith; what of the present holder who had not completed his legal term? A new *archiatrus* had produced an imperial rescript whereby he was appointed to the second post in the college: was this consistent with the law of Valentinian I which ordered that new members of the college should start at the bottom of the ladder, and moreover should only be admitted with the approval of the college?<sup>4</sup>

These examples are sufficient to show that the prefect was by no means master in his own house. Confusion was increased by the failure of the imperial government to demarcate clearly the functions of the urban prefect as against those of the lesser offices. Two constitutions dated 365 and 376, which regulate the spheres of the prefect of the city and the prefect of the *annona* and their respective *officia*, are masterpieces of ambiguity, while the relations of the *praefectus urbi* and the *vicarius urbis*, the vicar of the praetorian prefects whose seat was at Rome, were a constant cause of friction.<sup>5</sup>



The *Notitia Dignitatum* gives a list of the minor offices under the disposition of the prefect of the city. Some of these were of great antiquity, going back to the senatorial *curatores* and the equestrian *praefecti* and *procuratores* established by Augustus and his immediate successors. In the former class were the *curator*, or as he was now more usually known, *consularis aquarum*, the *curator* (or *consularis* or *comes*) *riparum et alvei Tiberis et cloacarum*, and the *curator* (or *consularis* or *praefectus*) *operum publicorum* or *operum maximorum*, responsible for the aqueducts, the banks and bed of the Tiber and the drains, and the public buildings respectively: the *Notitia* gives two *curatores* for the public and greatest buildings, but an inscription implies that the two terms were synonymous. Two new *curatores* have appeared, the *curator statuarum*, who looked after the numerous statues in the streets and squares, and the *curator horreorum Galbianorum*, under whose charge were the storehouses of oil and wine.<sup>6</sup>

In the second class the most important were the *praefectus annonae*, responsible for the corn and bread supply, and the *praefectus vigilum*, the chief of police. The *comes formarum*, whose duties seem to duplicate those of the *consularis aquarum*, was perhaps descended from the *procurator aquarum* of the Principate, who undertook the technical maintenance of the aqueducts. The *comes portus* (or *portuum*) is clearly derived from the *procurator portus utriusque* who managed the harbours of Ostia and Portus. The *centenarius portus* was presumably his assistant.<sup>7</sup>

Other magistrates were by origin officers of the urban cohorts, detailed for special duties. A clear case is the *tribunus fori suarii*, who in a Constantinian inscription is still styled 'tribunus cohortium urbanarum X XI et XII et fori suari': he controlled the meat market. The *tribunus rerum nitentium*, who was responsible, presumably under the *curator statuarum*, for the protection of bronze and marble statues, held in the middle of the fourth century the humble rank of centurion. Another magistrate, not mentioned by the *Notitia*, the *tribunus voluptatum*, who controlled theatrical shows and actors, actresses and prostitutes, was also no doubt in origin an officer of the urban cohorts.<sup>8</sup>

Besides these there were the *rationalis vinorum*, who presumably managed the *arca vinaria*, the fund derived from the sale of wine by the state, and the *magister census*, perhaps derived from the *a censibus* of the Principate, who was primarily registrar of the senate, maintaining the list of members and the assessments of their property, but also acted as a general registrar for the city.<sup>9</sup>

These officers had their own *officia*, and many of them their own courts in which they administered justice in matters arising out of

their functions. From the reign of Constantine the distinction between the senatorial and equestrian offices was broken down, and senators began to hold the more important of the latter, particularly the *praefectura annonae*. We know little of the holders of the minor offices; a retired army doctor from one of the guards regiments (*ex medico scutariorum*) was promoted by Magnentius to be *centurio rerum nitentium*.<sup>10</sup>

Constantinople first received a *praefectus urbi* on 11 December 359. Among the minor offices we hear only of the *magister census*, the *praefectus annonae* and the *praefectus vigilum*. The last was known locally in Greek as the 'night prefect' (*νυκτέπαρχος*), a title over which Justinian waxes facetious, asking if he got up when the sun set and went to bed when it rose. The office had by his day fallen into low esteem, its holder not being appointed by imperial codicil but nominated by the prefect of the city, often from his *officium*. In 535 Justinian reconstituted the office under the more dignified title of *praetor plebis* (*πραιτωρ τῶν δήμων*). The new praetor was appointed by codicil, and was assigned (with his assessor) a salary of 10 lb. gold, and a proper *officium*, including a *commentariensis*, 20 soldiers and 30 *matricarii*; he was to be selected from among the *comites consistoriani*, *tribuni praetoriani et notarii*, or other ex-magistrates of high character. Four years later, in 539, Justinian created a second police officer, the *quaesitor*, for Constantinople. Procopius represents this officer as an inquisitor into unnatural vice and other sexual offences. The Novel creating the office gives it entirely different functions. The primary duty of the *quaesitor* was to control all persons who came to the capital, to find out the purpose of their visit, to expedite their business, which was usually legal, and to ensure that they returned to their own provinces and cities without delay: in particular he was to see that peasants coming up to petition their landlords or bring an action against them returned to their farms with the minimum waste of time. Able-bodied immigrants who had no ostensible business and no visible means of support were to be deported to their own provinces and if slaves restored to their masters. Able-bodied residents with no visible means of support were to be put to work on the public buildings or in the bakeries, or in the guild of gardeners or one of the other guilds, on pain of expulsion. The aged and infirm, whether resident or immigrant, were permitted to beg. The *quaesitor* received a salary of 10 lb. gold, his assessor 100 solidi, and his *officium* 130 solidi.<sup>11</sup>

In one respect the capitals under the later empire fell below the

standards achieved by Rome under the Principate. It had been one of Augustus' notable reforms to establish a regular city gendarmerie, the three urban cohorts, and a regular fire-brigade, the seven cohorts of *vigiles*, who also acted as nightwatchmen. Both these forces had by the early fourth century been disbanded or melted away. The three urban cohorts are last mentioned in an inscription dating from the last twenty years of Constantine's reign, which, as mentioned above, records a 'tribunus cohortium urbanarum X XI et XII et fori suari'; and it may be suspected if one tribune not only commanded all three cohorts but also supervised the meat market, they then existed only on paper. Symmachus, it is true, speaks of his retiring *cornicularius* as 'urbanarum olim cohortium miles', but it is clear that the phrase means no more than a member of the prefect's *officium*, which had always been drawn from the urban cohorts. *Tribuni urbanici* are mentioned in a law of 396, but their office was probably a sinecure.<sup>12</sup>

It is abundantly clear that the prefects of the city had no armed force at their disposal. Ammianus graphically describes the courageous Leontius, prefect in 355, who quelled an incipient riot over the arrest of a popular charioteer by boldly ordering his officials to seize the leaders of the mob and torturing and condemning them to exile on the spot. Later, when rioting broke out again over the price of wine, despite the protests of the barristers and officials in his train, he rode into the crowd in his chariot, and arrested its ringleader, one Peter Valuomeres, with his own hands. Tertullus in 359, when bread riots became serious, was reduced to offering his children as hostages to the crowd. Viventius in 367 was quite unable to control the riots provoked by the disputed papal election between Damasus and Ursinus, in which 137 persons were killed in one engagement, and retired ingloriously to a suburban villa. Symmachus had twice to complain to the emperor that senators had openly flouted his officials and even assaulted them when engaged in the execution of their duties; he had no other remedy. His nephew was almost as helpless in dealing with the two rival candidates for the papacy, Boniface and Eulalius. When he sent his *primiscripius*, in accordance with an imperial missive, to arrest Boniface, not only did Boniface refuse to submit, but the crowd beat up the *primiscripius*. Later Boniface was placed in detention, but only when the urban officials had been reinforced by soldiers sent for the purpose. When Eulalius, against whom the decision finally went, entered the city contrary to the emperor's orders, Symmachus, having in vain ordered his expulsion by the *officium urbanum*, eventually hauled him out of sanctuary with the aid of a number of *corporati* and the *priores regionum*.<sup>13</sup>

In Constantinople the position of the prefect was not so weak, as the emperor normally resided in or near the city and the *scholae* were there on call: the final arrest of John Chrysostom was effected by Lucius, the pagan tribune of the Scutarii, with 400 men—newly enlisted Thracians who were not yet infected with partisan feelings—at his back. But the history of Constantinople is nevertheless punctuated with destructive riots arising out of religious disputes, food shortages and the rivalries of the circus factions.<sup>14</sup>

In both cities the prefects had normally to rely on an amateur night watch to maintain order. The Notitia of Constantinople enumerates for each of the thirteen regular regions of city, including Sycae across the Golden Horn, one *curator* 'who has charge of the whole region', one *vernaculus* or public slave who acted as his messenger, and five *vicomagistri* 'to whom is entrusted the care of guarding the city by night': the fourteenth suburban region had not even these. The Roman Notitia records two *curatores* and forty-eight *vicomagistri* for each of the fourteen regions of the city. The *curatores*, at Rome at any rate, seem to have been senators; Severus Alexander, according to the Augustan History, instituted fourteen *curatores urbis Romae* of consular rank, evidently one for each region, and under Diocletian and Constantine a few senators record among their offices that of *curator* or *consularis (sacrae urbis)* of a given region. The *vicomagistri* were presumably descended from the elected headmen of the streets or quarters whom Augustus had instituted and given that title: if so they had ceased to be linked with the *vici*, which varied in number region by region, and were always fewer than forty-eight, the standard number of the *vicomagistri*. The *primates*, *priores* or *maiores regionum*, whom the younger Symmachus frequently admonished to keep the peace during the disputed papal election, and with whose aid he finally arrested Eulalius, were perhaps identical with the *vicomagistri*, perhaps their leaders. It is clear, at any rate, that they were amateur constables, not regular police.<sup>15</sup>

The *praefectus vigilum* likewise had no *vigiles* under his command in the later empire. An inscription dated 362 shows that the cohorts of *vigiles* still held festal parades and that the men were still graded as pump operators and the like. But this probably only means that the officials of the *praefectus vigilum*, who had in the old days been seconded from the cohorts, continued to be entered on their nominal rolls under the traditional titles. The title of *tribunus vigilum*, like that of *tribunus urbanicianus*, still survived in the fifth century for a sinecure office or rank. But for extinguishing fires the capitals now depended, like any provincial city, on the amateur services of *collegiati*, members of the guilds. The Constantinopolitan Notitia

records region by region the number of *collegiati* 'who are appointed from the various guilds and help in case of fires'; the total is 560, and the number in each region varies from seventeen to ninety. John Lydus tells us that in his day, when a fire broke out in Constantinople, the cry was raised (in Latin) 'omnes collegiati'. The use of the Latin formula implies that the system was introduced from Rome and must have already existed there when Constantinople was founded. Symmachus mentions fire fighting among the services rendered by the guilds to the city of Rome, and a constitution of 369 directed to the prefect of the city speaks of a *corpus centonariorum*, one of the guilds from which the fire service was usually drawn. The *praefectus vigilum* had apparently lost his fire-fighting duties both in Rome and in Constantinople by Justinian's time, and become a magistrate who dealt with petty crime, especially theft, and was responsible for the night watch.<sup>16</sup>

The supply of food and drink was elaborately organised. It may be considered under the heads of water, bread, oil, meat and wine. Rome had been amply provided with aqueducts under the Principate, and here the task was only one of conservation. It was the duty of the *consularis aquarum* and *comes formarum* to make the necessary repairs and to prevent trees being allowed to grow within ten feet of the aqueducts. The cleaning of the aqueducts was a burden which fell upon the owners of the land through which they passed; they were compensated by immunity from other extraordinary charges. At Constantinople it was with difficulty that the erection of aqueducts kept pace with the requirements of a growing population. There was, according to Themistius, a serious shortage until Valens completed the aqueduct which still dominates the city. Another was started by Theodosius I and was financed by suspending the games offered by the praetors and making them instead subscribe fixed sums to the aqueduct fund. Under Arcadius some praetors were ordered to give games again, but it is likely that others continued to subscribe to the aqueduct fund, which thus became permanent. Marcian enacted that the consuls, instead of scattering money to the crowd at their inauguration, should pay 100 lb. gold for the repair of the aqueducts, and Zeno instituted an honorary consulship which carried the same obligation. There were also certain taxes levied at the landing-stages of Constantinople which were devoted to the repair of the aqueducts. At Rome also there was an aqueduct fund; its sources of revenue are unknown. At Constantinople there was a regular technical staff of

*aquarii* (ὕδροφύλακες) who inspected the aqueducts, carried out routine maintenance, and detected illicit tapping by private persons: they were branded on the hand for identification, and their service ranked as a *militia*. At Rome the aqueducts were still in the sixth century as under Augustus maintained by groups of state slaves.<sup>17</sup>

Some aqueducts were assigned exclusively to public buildings: the Aqua Hadriana at Constantinople was reserved for the imperial palace, the public baths (*thermae*) and the large ornamental public fountains (*nymphaea*). Most fed cisterns or tanks (*lacus*) from which the public could draw. The Notitia of Rome enumerates these region by region; there were altogether 1,352. Private supply could be obtained only by imperial grant, and the diameter of the pipes was strictly regulated. A constitution addressed to the prefect of Constantinople in 382 established three scales, two inches or at most three for the greatest houses which had superior baths, one-and-a-half inches for medium-sized houses, if they had baths, half an inch for small houses.<sup>18</sup>

At both capitals a daily free issue of bread was made to certain categories of the population. At Rome there had been a monthly dole of corn to citizens since 58 B.C. It was limited by Augustus to a fixed number of recipients, the *plebs frumentaria*, who held tickets (*tesserae*): these tickets had by the early third century become hereditary and saleable. The corn dole was later, perhaps by Aurelian, converted into bread, which was served daily from a number of 'steps' (*gradus*) and was hence known as *panes gradiles*. The number of recipients, which under Augustus had been rather over 200,000, appears to have been reduced under the later empire to 120,000. The daily ration in the first half of the fourth century was 50 ounces of coarse bread, and by this time some payment—probably an originally illicit tip hallowed by custom—was demanded. In 369 Valentinian reduced the ration to 36 ounces (six half-pound loaves), but enacted that it should henceforth be good quality bread and issued free of charge. He also ordered that at each of the 'steps' the names of the recipients should be engraved on a bronze tablet with the amounts to which they were entitled. He forbade the sale of rations to unqualified persons, such as officials or slaves, especially those of senators, but tickets no doubt remained hereditary and saleable to those qualified to hold them, citizens who received no other form of *annona*.<sup>19</sup>

On 18 May 332 Constantine inaugurated a similar dole of bread at Constantinople. Here too the bread was issued from 'steps', which according to the Notitia numbered 117: it was not, however, known as *panes gradiles* but as *annonae populares*. The original number of recipients was 80,000. In 392 Theodosius I increased the

daily allocation of corn by 125 *modii*, which would have provided bread for about 1,000 additional recipients: no other increases are recorded. In 372 Valens forbade the sale of *annonae populares*. Henceforth if a recipient left the city his ration was to lapse to the state and such lapsed rations (*annonae caducae*) were to be allocated to other qualified applicants; it would also seem that when a recipient died his ration lapsed. These rules do not seem to have remained in force for long. By the end of the fourth century *annonae* could be inherited or sold legally, and by the latter part of the fifth century many had passed into the possession of churches.<sup>20</sup>

Constantine and Constantius II encouraged the growth of their new capital by granting a bread ration to anyone who built a house in the city. These rations (*panes aedium*) went with the house, passing to the new owner if it was sold: they were still being granted at the end of the fourth century to builders of new houses. At Rome also there were *panes aedificiorum*; they are mentioned only once, in 369, and it is not known when they were instituted. At Constantinople *annonae* were sometimes allocated to state employees: thus in 372 Valens ordered that the seven copyists of the public library should be remunerated with *annonae populares* which had lapsed.<sup>21</sup>

All these types of ration seem to have been known as *annonae civicae*. As time went by the title on which they were held was often forgotten and disputes arose. One such dispute has left its record in the Code in series of contradictory constitutions ranging from 380 to 393. It was alleged that Constantine had allocated *annonae civicae* to two of the *scholae*, the *Scutarii* and the *Scutarii Clibanarii*, and that these rations had been improperly bequeathed to their descendants or sold to outsiders by the beneficiaries. The government at first accepted this version, and in 380 ordered that when a *scholaris* died his ration should revert to his *schola*, which would allocate it to another member: in 389 it further ordered that *annonae* which had already passed to the heirs of the recipients or been sold should be reclaimed for the *scholae*. In 392 it was persuaded that Constantine had granted the *annonae* to individual members of the *scholae*, and accordingly confirmed the tenure of their heirs and assigns. Next year it changed its mind again and decided that these *annonae* had originally been granted to *scholares* who built houses in the city: it therefore ruled that those held by persons who did not own houses should be reclaimed, and would be allocated to soldiers who built houses in the future. Eventually the tenure of the existing holders was confirmed.<sup>22</sup>

The government did not only provide corn for the free issue of bread to these limited classes. Its objective—which it sometimes

owing to bad harvests, losses or delays in transport, or administrative muddle or corruption failed to achieve—was to import to Rome and Constantinople sufficient corn to ensure that the whole population would be adequately fed and that bread shortages and consequent riots should not occur. The corn for Rome came normally from Africa, where it was levied in kind as part of the land tax: it was the responsibility of the praetorian prefect of Italy, through the *praefectus annonae Africae*, to collect it and ship it to Portus. The corn for Constantinople was similarly levied as tax in Egypt; the praetorian prefect of the East was responsible for its collection and transport to the capital. The annual shipment (ἐμβολή) from Egypt to Constantinople amounted in Justinian's reign to 8,000,000 *artabae* or 27,000,000 *modii*. This was enough to feed about 600,000 persons; the free issue to about 85,000 persons would have consumed under 4,000,000 *modii*. The amount of annual import (*canon frumentarius*) to Rome is not recorded in any official document, but may perhaps be inferred from the *Historia Augusta*. In this work Septimius Severus is alleged to have left enough corn in store at Rome to feed the city for seven years at the rate of 75,000 *modii* a day, that is about 27,000,000 *modii* a year. The author of the life may have obtained this figure from a Severan source, but it is more likely that he supplied it from his own knowledge. In that case the *canon* of Rome in the early fourth century would have been approximately the same as that of Constantinople in the sixth. The free issue at Rome was larger, but it would have required only about five and a half million *modii*.<sup>23</sup>

At Constantinople the state *canon* was supplemented by a civic fund for the purchase of corn, initiated by Monaxius, prefect of the city in 409. He got together 500 lb. gold, partly by subscriptions from the senate, and this sum was each year used to buy corn or lent for that purpose to the guild of bakers, and recovered as the corn was sold. Any profits which accrued were added to the capital, and the fund by 434 had risen to 611 lb. gold, which would have bought annually well over a million *modii*. The fund was administered by the prefect of the city, and despite the efforts of John the Cappadocian to bring it under the control of the praetorian prefecture remained in his hands under Justinian.<sup>24</sup>

Upon its arrival at Portus the *canon frumentarius* became the responsibility of the *praefectus annonae* of Rome. The corn was unloaded by the *saccarii*, measured by the *mensores* and stored in the local granaries pending its shipment up the Tiber in the barges of the *caudicarii*. These two last guilds had many opportunities for quarrel: in 389 they publicly recorded their gratitude to Ragonius Vincentius Celsus, *praefectus annonae*, for his good offices in settling



a long-standing dispute to the satisfaction of both parties. They also had ample opportunities for cheating the bakers' guild at Rome by pilfering corn or sending them mouldy grain instead of good. In 417 the government ordered that, in order to check the frauds of the *caudicarii* and the thefts of the *mensores* of Portus, the guild of bakers should henceforth elect one of its patrons to keep watch over the granaries of Portus: he was authorised to send sealed samples of grain to his colleagues at Rome. Arrived at Rome the corn was stored in the Roman granaries, whence it was carted as it was required to the bakeries by the *catabolenses*. In this guild were enrolled by a law of 368 freedmen whose assets in cash, chattels, land or buildings exceeded 30 lb. silver. The high property qualification demanded—150 solidi—implies that the *catabolenses* were unpaid or at any rate inadequately remunerated.<sup>25</sup>

Finally the bakers (*pistores*) ground the corn and baked the bread. There were according to the Notitia 274 bakeries which produced *panis gradilis* for distribution; the number of private bakeries which made bread for sale is not recorded. Our information mainly concerns the public bakeries and the guild of bakers (*corpus pistorum*), sometimes called contractors (*manripes*), who operated them for the state. The bakeries were large establishments, equipped with beasts to turn the mills and with slaves for the other work. The maintenance of the stock of slaves was evidently a problem. A number of fourth-century laws direct the governors of the suburbicarian provinces to condemn persons convicted of minor offences to hard labour in the Roman bakeries, but the supply of convicts was evidently inadequate, for according to Socrates the bakers in the reign of Theodosius I had established bars and brothels on the street fronts of their establishments and kidnapped their unwary customers. For turning the mills animals were gradually replaced by water power, derived from the aqueducts. Water mills are first mentioned in a law of 398. By the sixth century they had become universal. When the Goths, besieging Rome in 536, cut the aqueducts, one of the effects was to bring all the mills to a standstill, and the bread supply would have ceased but for Belisarius' ingenious scheme for utilising the current of the Tiber.<sup>26</sup>

Even under the Principate the baking business at Rome, which was under strict government control, was apparently not very attractive: Trajan had to encourage freedmen and others to enter it by the grant of legal privileges to those who operated a fair-sized establishment, capable of handling not less than a hundred *modii* a day. When the state took over the baking of the bread for the dole, the bakers who contracted for this work may have undertaken it

voluntarily, but by the beginning of the fourth century they were legally bound to their trade. Membership of the guild was obligatory on all persons who held property which had belonged to a baker. It was therefore normally hereditary, but anyone who acquired a baker's property by legacy, gift or purchase was enrolled, and so were those who married bakers' daughters (and received dowries with them), even if they subsequently divorced them: this rule applied even to actors and charioteers. Bakers were forbidden in 364 to sell their property to senators or officials, who could not very well take up the trade, and in 369 were prohibited from alienating any inherited property at all; anything which they acquired from an outside source they might alienate during their lifetime, but only to another member of the guild.<sup>27</sup>

Bakers were forbidden to obtain release by joining the privileged *decuriae urbis Romae* or to take orders in the church. They could not be exempted by the unanimous vote of the guild, nor even by imperial rescript. Despite all these precautions the membership of the guild tended to sink, and it was necessary to enrol outsiders at regular intervals. By a curious rule laid down by Constantine and reiterated in 370 and 380 the governors of the African provinces were obliged every five years to send qualified persons to Rome to be enrolled in the guild. It was perhaps as a consequence of this rule that by the middle of the fifth century there were a substantial number of bakers' estates (*praedia pistoria*) in the African provinces.<sup>28</sup>

It may be presumed that the bakers received the corn that they handled gratis, and enjoyed the use of their premises and equipment free of charge; they also, as we have seen, were furnished with convict labour. But there is no indication in the laws that they received any remuneration from the government. The guild possessed a number of estates (*fundi dotales*), which were attached to the several bakeries and whose rents were used to subsidise their operation: the origin of these *fundi dotales* is unknown, but they were perhaps the estates of former bakers which had been wrongfully alienated and assigned to the guild corporately. It is plain, however, from the whole tenor of the laws that the bakers were expected to finance their business from the rest of their private property. Indeed when Valentinian in 369 made the inherited property of a baker inalienable, he expressly assimilated it to the *fundi dotales* of the bakers.<sup>29</sup>

The poorer members of the guild sometimes found the burden too much for them; we hear of bakers going bankrupt and being struck off the roll. But not all bakers were poor men. Some even aspired to become senators, and by a law of 364 were allowed to

do so provided that they surrendered to substitutes from their families the property on which they had operated their bakeries.<sup>30</sup>

The public bakeries can hardly have been confined to baking *panes gradiles*, for they would in that case have handled only between fifty and sixty *modii* a day each, and they were clearly much larger establishments. They perhaps also produced the *panes fiscales* or *Ostienses* which were sold at a low price fixed by the government; the figure laid down in 398 was one *nummus*. A law of 364 suggests that they were furnished, perhaps with this purpose, with a certain amount of corn at a low price. The profits from the sale of state corn perhaps went into the *arca frumentaria* mentioned in 386.<sup>31</sup>

We know very little of the arrangements for the production of bread at Constantinople. There were state granaries, controlled by an official known as the *comes horreorum*. The public bakeries, according to the Notitia, numbered only twenty or twenty-one: they must have been very large establishments, each capable of supplying about 4,000 people and handling about 500 *modii* a day. The private bakeries, of which there were about 120, must have been on a similar scale to supply the rest of the population. It looks as if Constantine planned the baking industry of his new capital, building large public bakeries and perhaps encouraging the establishment of large private bakeries by privileges and subsidies. The guild of bakers (*corpus mancipum*) provoked no such spate of legislation as did the Roman guild—in fact only one law of Leo which prohibited *mancipes* from holding the office of *comes horreorum*—and it may perhaps be inferred that their conditions of service were more equitable than at Rome.<sup>32</sup>

On the supply of oil our information is very defective. There was a *canon* of oil imported by the state to Rome from the African provinces, and there was a free issue of oil, apparently made to the same persons that received the *panis gradilis*; the system is said to have been initiated by Septimius Severus. The oil was probably distributed at Rome through the shops known as *mensae oleariae*, of which there were 2,300 in the city. A law of 328, addressed to the prefect of the *annona*, directs that *mensae oleariae* which fell in to the state owing to the death of the proprietor without heirs should be sold at the fixed price of twenty *folles*: the purchaser could transmit the *mensa* to his heirs but was forbidden to sell it. From this it would appear that *mensae oleariae* were a source of profit, and cannot have been merely stations for the distribution of the free issue: they perhaps had a monopoly of the sale of oil. The *arca olearia* mentioned in 386 may have received the profits from the sale of state oil.<sup>33</sup>

Symmachus mentions three guilds concerned with the meat supplies of Rome, the mutton, beef and pork butchers, but the Code does not allude to the first, and speaks of the second, the *pecuarii*, only when it was in 419 joined to the third, the *suarii*. This is because the government was mainly interested in the free issue of pork, initiated by Aurelian. The structure of the guild of pork butchers was very like that of the bakers, and its history must have been similar. Septimius Severus granted to those who carried on business in the pig market, provided that they put two-thirds of their capital into supplying the city, the same legal privileges that Trajan had given to the bakers. Aurelian must have made use of this privileged guild to conduct the free issue of pork. By the fourth century membership of the guild, on which lay the burden of the pork distribution, was obligatory on anyone who held or acquired property belonging to a pork butcher, and was therefore normally hereditary. Pork butchers were forbidden to hold *honores* or enlist in the *officia*, or to take orders in the church, unless they surrendered their property to the guild.<sup>34</sup>

The free issue of pork was made for only five months, or 150 days, in the year. The ration (*opsonium*) was five pounds a month, and the recipient from 419 took his monthly ration in one delivery; previously it had been issued more frequently in smaller quantities. The pork butchers thus had to produce 4,000 *opsonia*, or 20,000 lb. of pork, daily, so that in the course of the month all the 120,000 citizens on the free list were served. The meat was provided by a levy of pigs from designated cities in Campania, Samnium and Lucania with Bruttium.<sup>35</sup>

The levy of pigs encountered serious administrative difficulties and gave rise to a series of regulations of which the Code has preserved five, issued by Constantine (324), Julian (363), Valentinian I (367), Honorius (419) and Valentinian III (452), while an inscription records an edict of Turcius Apronianus, prefect of the city in 363. These regulations, which are lengthy and detailed, reveal the complexity of the system, though they leave its working obscure. One difficulty was that pigs vary in weight, and the *suarii* were prone to judge them by eye rather than take the trouble of weighing them. Constantine explained that commutation was introduced to check this abuse: if the landowner questioned the pork butcher's estimate of the weight of his pigs, he was entitled to pay in money for the number of pounds for which he was liable. The price was to be that prevailing in the local market, which the provincial governor was to notify annually through the prefect of the city to the *suarii*. In this way, the emperor explains, the *suarii* will not suffer whatever the price may be, as they will be able

to buy pigs in the local market for the same figure that the landowners have paid them. Valentinian I was stricter, insisting that if pigs were paid in kind, they must be weighed, having been starved for one night.<sup>36</sup>

A more important difficulty was that in being driven to Rome the pigs lost weight considerably, some 15 per cent. or 20 per cent., and the *suarii*, having levied the correct amount in the south, found they had too little when they arrived in Rome, and had to make up the deficit by local purchases. The price of pigs in southern Italy, where they were abundant and the population small, was moreover lower than that at Rome, where the demand was far higher and the supply smaller. If therefore the *suarii* received commutation for pigs at prices prevailing in the south, the money would not buy as much pork at Rome, and once again the *suarii* would be faced with a deficit.

Turcius Apronianus endeavoured to solve this difficulty by granting a subsidy of 25,000 *amphorae* of wine, drawn from the wine levy (*titulus canonicus vinarius*), of which two-thirds (more exactly 17,000 *amphorae*) was allotted to the *suarii* and one-third (8,000 *amphorae*) to the councils of the cities concerned in the pig levy (*ordines qui suariam recognoscunt*). The detailed arrangements for the distribution of this subsidy are obscure, but it would appear from Valentinian I's law that, when pigs were commuted, the councils were expected to use it to make up the difference between the local price, which the landowners paid, and the Roman price, which the *suarii* were now entitled to receive. If actual pigs were delivered, 15 per cent. was apparently to be added to the weight to allow for loss in transit.<sup>37</sup>

In 452 this complicated procedure was at last rationalised under a scheme devised by the great Aetius. Henceforth the *suarii* were to be allocated fixed sums from the revenues of the three provinces concerned, 6,400 solidi from Lucania, 5,400 from Samnium, 1,950 from Campania; they also received 950 from the guild of the *boarii* or *pecuarii*, which had been joined to them in 419. With this sum of 14,700 solidi they undertook to buy pork at 240 lb. to the solidus, and, as the price was generous to them, to throw in 100,000 lb. as a bonus. This made a total of 2,628,000 lb. of pork, which allowing 20 per cent. for wastage would provide (the arithmetic is not quite correct) 4,000 *opsonia* of 5 lb. for 150 days.<sup>38</sup>

These laws well illustrate the complications of administration and accounting caused by levies in kind and their partial commutation at fluctuating and variable prices. They also incidentally illustrate the prevalence of official corruption, which these complicated transactions favoured. Julian in his law insists that the

money paid in commutation must be collected by the provincial governors through the city councils, and not by the officials of the urban prefecture or by the *suarii* themselves, 'because the officials of the greater ministries as a rule bring ruin upon the provincials'. Turcius Apronianus prohibited the outrageous fees extorted by the *tribunus fori boarii*, the *patroni* of the guilds concerned, and the various *officia* involved in the collection, which according to the law of 419 included not only that of the urban prefect but that of the vicar of the city.<sup>39</sup>

Wine was not supplied free. Aurelian, according to the authors of the *Historia Augusta*, thought of starting a free ration, but was deterred by his praetorian prefect, who protested: 'If we give the Roman people wine too, it only remains to give them fowls and geese.' The author, however, argues that Aurelian must have planned a free wine issue from the fact that in his own day 'fiscal wines' were offered for sale to the people in the colonnades of the Temple of the Sun. Wine was then in the fourth century provided at low prices: Valentinian I ordered that they should be 25 per cent. below market rates. It was obtained by a levy in kind on the suburbicarian provinces, the *titulus canonicus vinarius*, which Valentinian I and Gratian insisted must be paid in kind and not commuted.<sup>40</sup>

The state evidently exacted more wine than it could dispose of, for it made payments in wine; 25,000 *amphorae* were, as we have seen, granted annually to the *suarii* and the *ordines qui suariam faciunt*, and, as will appear later, the limeburners were in the fourth century paid in *amphorae* of wine. The public sale of wine was presumably handled by the *rationalis vinorum*, and its profits went into the *arca vinaria*. Most of the takings of the *arca vinaria* must have been in copper small change, which was of no use to the government, and one of Symmachus' official reports indicates that denarii so received were issued to the guild of *collectarii*, the money changers, who had to reimburse the treasury in solidi at a rate fixed by the government, buying solidi on the open market at current rates. The funds of the *arca vinaria* were not reserved for the city of Rome: allocations might be made from them to such purposes as public works, but any surplus went to the *sacrae largitiones*. This appears from two indignant letters of Symmachus on behalf of his father-in-law Vitrasius Orfitus who had been prefect of the city twenty-five years before. It appears that Constantius had ordered an enquiry into the arrears of the *arca vinaria*, and that Gratian, advised by Basilus, his *comes sacrarum largitionum*, had reopened the enquiry. Symmachus protested vehemently against this raking up of old scandals, alleging that of the deficit 11,400 solidi had been paid to

the treasury, and the rest was covered by guarantees from various provincial governors, including those of Campania and Tuscia, who apparently admitted responsibility for failing to collect arrears from their provinces.<sup>41</sup>

So much for the necessities, food and water: next come the two essential luxuries of city life, the baths and the games. Rome was furnished with eleven vast and palatial public baths (*thermae*) built by imperial benefactors ranging from Agrippa to Diocletian and Constantine. Constantinople had by the mid-fifth century eight (or nine if one in the suburban region be included), one built by Constantine, four by emperors of the Theodosian house, and three by private persons, including the famous baths of Zeuxippus. In both cities there were also a multitude of private baths scattered over the regions, 153 in Constantinople, and over 830 in Rome. The *thermae* were financed by entrusting their management to the same guild of contractors, the *mancipes salinarum*, who farmed the salt pans, a profitable monopoly. There was also a guild of sixty shippers (*navicularii*) on whom was laid the burden of transporting the wood required for heating the public baths: the wood was a levy exacted from designated cities including Tarracina. The *mancipes salinarum* complained to Symmachus that they had been so reduced by exemptions corruptly obtained from the emperor that they could not face the burden, and asked that new members be enrolled from other guilds or alternatively that the *navicularii* should share their responsibilities; the latter objected to this suggestion, but were willing to surrender a few of their members.<sup>42</sup>

The games at Rome and Constantinople were provided partly by senators, who were under a legal obligation thus to celebrate their tenure of the offices of quaestor, praetor and consul, and partly by the emperors. The latter maintained various permanent establishments for this purpose. At Rome there were four gladiatorial training schools (*ludi*): they are last mentioned in a law of 397 and were presumably suppressed shortly after, when gladiatorial shows were abolished. At Constantinople they may never have existed; for Constantine banned gladiators as early as 326 and in the new capital where he resided the law was no doubt observed. There is no record of permanent menageries of wild beasts at either capital, and as they were expensive to feed and deteriorated in captivity they were probably obtained as occasion demanded. Beasts were regularly supplied to the emperor from the frontier areas by their *duces*, and their transport to the capitals involved heavy expense to

the cities en route. In 417 the officials of the *praeses* of Euphratensis made a vigorous protest against those of the *dux*, because a convoy of beasts had stopped three or four months at Hierapolis, and elicited a ruling that no convoy might stay longer than a week in any town. The emperors took care to prevent the stock of wild beasts from being exhausted; there was a ban on the hunting of lions by private persons.<sup>43</sup>

At Rome the Notitia records the four stables of the factions, where apparently not only were horses kept immediately prior to the races, but a standing stock maintained; its numbers were kept up by the horses furnished for the various games by the emperors and by the consuls and praetors. The emperors had a number of studs in the provinces. The products of those of Palmatius and Hermogenes (the former in Cappadocia) were specially prized, and when past racing continued to receive fodder from the imperial granaries. Horses from the Spanish studs might on the other hand be sold by the factions. The city of Capua, in recompense for supplying 2,000 *modii* of beans per annum to each of the four stables at Rome, was entitled to receive horses for its own games from them. For Constantinople we have no details, but the existence there of *actuarii equorum currulium* proves that race-horses were maintained in the city. Not much is known of provision made for theatrical games. As has been already mentioned, at Rome the *tribunus voluptatum* controlled actors and actresses. At Constantinople the presence of *actuarii thymelae* implies that there was a permanent imperial troupe which received pay or rations.<sup>44</sup>

The games given by senators were more numerous and more splendid at Rome, where they were an old tradition and the ancient senatorial families took pride in spending fabulous sums upon them: the government had to curb their lavish expenditure, which forced up the standard and made things difficult for humbler members of the order. At Rome the main burden was, it seems, carried by the aristocracy and the emperors did little: even under the Ostrogothic kingdom Roman senators continued to give lavish games. At Constantinople the new aristocracy was not so rich and lacked a tradition of ostentatious munificence. The government had to lay down how much praetors had to spend on their games (quaestorian games are not recorded). When Marcian reduced the number of praetors to two and freed them from the obligation to give games, only the consular celebrations survived, and these dwindled and finally died with the consulate. The imperial government must have taken an ever-increasing part in providing games for Constantinople and finally taken over the whole burden.

Roman senators, if Symmachus is typical, did not merely foot



the bill for their games, but took immense pains to obtain the best horses, wild beasts, gladiators and actors that money could buy. It is possible that humbler members of the order, and in particular absentees who entrusted their celebrations to the *censuales*, drew upon old horses in the stables of the factions: their games were despised by Symmachus as 'mediocre'. At Constantinople the consuls by the sixth century did not even foot the entire bill, receiving a substantial subsidy from the government.<sup>45</sup>

Both Rome and Constantinople were centres of higher education. Vespasian had established salaried professorships of rhetoric and grammar at Rome, and by the fourth century philosophy and law had been added to the curriculum. The professors were appointed by the senate, but were paid by the praetorian prefect; Symmachus protested to Hesperius, then praetorian prefect of Italy, at his having withheld his *annona* from the philosopher Priscian, to whom a salary had been duly voted by the senate. Students were controlled by the *magister census*. According to the law of 370 they had to present to him letters of introduction from the governors of their provinces, stating their city, birth and character: they had to notify him under what professor they proposed to study and where they were lodging. The *censuales* were to supervise their conduct and see that they did not waste too much time at the games; unsatisfactory boys might be beaten and sent back home. None might stay beyond their twentieth year. The prefect of the city was with the aid of the *censuales* to make a monthly return of arrivals and departures to provincial governors, and also to the emperor, so that he could select promising students for his service. Professors of grammar, rhetoric and law were still appointed by the senate under the Ostrogothic kingdom, and still received *annona*, but now through the prefect of the city: Cassiodorus had to reprimand the senate for allowing salaries to fall into arrears, and ordered that they be paid half-yearly. They were confirmed by Justinian after the reconquest by the Pragmatic Sanction.<sup>46</sup>

At Constantinople the emperor in the fourth century appointed salaried professors on the recommendation of the senate; Libanius as a young man occupied the chair of rhetoric. In 425 the university of Constantinople, if it may be so called, was put on a more regular basis. Unauthorised persons were forbidden under pain of deportation to teach in public, and private tutors were allowed to instruct only their own pupils in their homes. Higher education became the monopoly of the professors of the Capitol. There were to be three who taught Latin rhetoric and ten Latin grammar; for Greek there were to be five teachers of rhetoric and ten of grammar: there were also to be one philosopher and two lawyers.

All were appointed by the senate and after twenty years' satisfactory service were rewarded with the title of *comes primi ordinis* and equality in precedence with ex-vicars.<sup>47</sup>

At Rome there was a rudimentary public health service, initiated by Valentinian I. He ordered that a salaried doctor should be appointed in each of the fourteen regions except two. They might accept retaining fees from private patients, but might not charge for their services, and were directed to give most of their attention to the poor. When a vacancy occurred the new doctor was to be elected by his colleagues, subject to imperial confirmation. There were still public doctors at Rome in the sixth century, when Justinian after the reconquest confirmed their salaries.<sup>48</sup>

Rome was too amply equipped with a plethora of public buildings, useful and ornamental, the great walls of Aurelian, the aqueducts, the bridges, the granaries, the baths, the circus, amphitheatre and theatres, not to speak of basilicas, temples, triumphal arches, columns and statues. There were, as we have seen, several magistrates charged with their maintenance, the *curator operum publicorum* or *maximorum*, the *curator statuarum*, the *tribunus rerum nitentium*, as well as the *consularis aquarum* and *comes formarum*. The city architect was an important functionary, whose letters of appointment Cassiodorus included in his *formulae*.<sup>49</sup>

The labour was provided by certain guilds which Symmachus fails to specify. The chief materials required, since most of the work was repairs and there was ample stone available from derelict buildings, were bricks and lime and sand for mortar. We know little of the brick supply. Cassiodorus speaks of an annual production of 25,000 bricks for the repair of one of the harbours, and of revenues earmarked for the purpose. Lime was furnished by the guilds of the limeburners (*calcis coctores*) and carters (*pectuarii* or *vectores*) from designated estates in the provinces of Tuscia and Campania. A law of 365 lays down that the annual requisition shall not exceed 3,000 loads, half of which was allocated to the aqueducts and half to general repairs. This apparently all came from Campania, as the annual delivery of 900 loads from Tuscia was by the same law suspended except for emergency demands. The total did not include the contribution of Tarracina, which was earmarked for the harbour and lighthouse of Portus. The lime-burners and carters were remunerated by the owners of the estates from which the lime was obtained, at first in *amphorae* of wine, later (365) in gold, at the rate of one solidus per load. This was apparently an

advance on the old rate, and the state contributed a quarter of it from the *arca vinaria*. In compensation the owners of the designated estates, which were known as *caespes calcarius* and *vectuarius*, enjoyed immunity from taxation. There were apparently other estates which furnished sand (*caespes arenensis*) and enjoyed a similar immunity. This system continued to function under the Ostrogothic kingdom, when it was directed by an officer called the *praepositus calcis*.<sup>50</sup>

Constantinople by contrast with Rome was an expanding city where new construction was going on throughout the fourth, fifth and sixth centuries. The successors of Constantine down to Justinian continued to embellish the city with new aqueducts, baths and palaces, paying for them from imperial revenues. Money was also obtained by suppressing or suspending the games and making the consuls and praetors subscribe instead to a building fund. Nothing is known of the provision of labour and materials, except that lime was burned locally until in 419 the government prohibited the practice as detrimental to public health.<sup>51</sup>

The finances of the two cities present a picture of inextricable confusion. The last *praefectus aerarii Saturni* recorded is Julius Eubulides, who was subsequently vicar of Africa in 344. Symmachus, however, still speaks in 384 of the treasury of the Roman people (*aerarium populi Romani*), which received revenues from certain provinces, including Spain and Egypt. Besides this central treasury there were, as we have seen, many departmental treasuries, the *arca frumentaria*, *olearia*, *vinaria* and the aqueduct fund. Symmachus also alludes once to the *arca quaestoria*; its function is unknown, but perhaps it handled the finances of the quaestorian games. There was probably also a separate treasury for public works; there were at all events special taxes earmarked for them.<sup>52</sup>

The finances of the city were yet further complicated by the system of compulsory services and levies in kind, and by the subsidies and cross-payments which were introduced from time to time to prevent the system from breaking down. The subvention of wine given to the pork butchers and the combination of the contracts for the baths and the salt pans have already been mentioned. One of Symmachus' reports reveals yet another complicated series of compensatory grants. It appears that Tarracina, in view of its obligation to supply wood for the Roman *thermae* and lime for the harbour of Portus, had been granted subsidies from other designated cities. Furthermore Puteoli had received from Constantine a grant of 150,000 *modii* of corn a year from the *canon* of Rome, which grant, halved by Constans, had been brought up to 100,000 *modii* by Constantius. A number of other Campanian

cities, including Capua, also received corn grants, no doubt to assist them in their task of delivering lime and pigs to Rome. In Julian's reign, Lupus, the consular of Campania, finding that Tarracina no longer received its subsidies and complained that it could not keep up its obligations to Rome, took 5,700 *modii* of corn from Puteoli and allocated it to Tarracina: this measure, though approved by Mamertinus, the praetorian prefect of Italy, never received imperial confirmation, as Julian was away on the Persian war. Under Gratian Capua complained that Cerealis, the prefect of the city in 352-3, had cut the corn grants to the Campanian cities from the Roman canon by 38,000 *modii*, and Gratian ordered their restoration to the old figure. On the strength of this decision Puteoli refused to pay its 5,700 *modii* to Tarracina. It is little wonder that Symmachus referred this tangled problem to the wisdom of the emperor.<sup>53</sup>

The finances of Constantinople were doubtless as involved, but we know little of them. There was, as we have seen, a trust fund for buying grain, the *arca frumentaria*, and an aqueduct fund with its own treasurer (*arcarius*); whether there was any central treasury we do not know.<sup>54</sup>

Constantinople grew rapidly in the first century of its existence. By the beginning of the fifth century it had so greatly overspilled its original limits that in 413 the imperial government built a new landward wall about a mile further west than Constantine's, thus nearly doubling the area of the city. Rome on the contrary, as its wealth and population dwindled, shrank within the great circuit of walls which Aurelian had given to it. Its decay was at first gradual. Even the sack of the city by the Visigoths in 410, though it meant a vast loss of portable valuables, does not seem to have had any lasting effect, and it may be doubted whether the more thorough sack by the Vandals in 455 was disastrous. What was more serious was the gradual loss by the great senatorial families of their estates in Africa, Spain and Gaul, and the cutting off of the corn and oil tribute by the Vandal occupation of Africa. Senators must have had much smaller incomes to spend in Rome when they drew their rents only from Italy and Sicily, and the corn and oil supply must have become very precarious.

Cassiodorus in one passage speaks in a rather nostalgic tone of the past greatness of Rome, and its population had evidently shrunk. 'The ample extent of the walls', he writes, 'the wide area of the places of entertainment, the amazing size of the baths, and the multitude of mills, specially designed for the food supply, testify to the hosts of citizens' which had once thronged Rome. Nevertheless the *Variae* show that under the Ostrogothic kingdom the city

was by no means derelict, and that its administration still functioned. The free distribution of foodstuffs to the *plebs frumentaria* continued; the aqueducts supplied abundant water for the baths; the games still provoked riots; the buildings were regularly maintained.<sup>55</sup>

From the reconquest by Justinian Rome seems to have sunk rapidly. The prolonged and destructive sieges during the Ostrogothic war not only did great material damage, notably to the aqueducts, but the population must have been much reduced by famine, disease and emigration. Justinian promised to maintain the *annona* and the revenues allocated to the repair of the public buildings, the embankment of the Tiber, the harbour of Portus and the aqueducts, but it may be doubted whether he was able to fulfil his undertakings. Finally the Lombard invasion completed the ruin of the city. In the whole of Pope Gregory's register there is one allusion to the prefect, and of the multitude of minor magistrates and officials who still under the Ostrogothic kingdom administered the public services he mentions only the *comes formarum*. The imperial government still made some contribution to the feeding of Rome by requisitioning corn from Sicily, but the city was largely dependent for its very food on the charity of the Roman church.<sup>56</sup>

## CHAPTER XIX

### THE CITIES

THE Roman empire was an agglomeration of cities (*civitates*, πόλεις), self-governing communities responsible for the administration of the areas which they occupied, their territories. In each *civitas* there was a town which was its administrative capital and in varying degrees its economic and social centre, but there was no legal distinction between the urban and rural members of the community. Constitutionally and administratively, then, the cities were the cells of which the empire was composed. Geographically the map of the empire was a mosaic of city territories. In terms of persons all Roman citizens—which since 212 A.D. meant practically all indigenous free inhabitants of the empire—belonged to some *civitas*. Membership depended not on residence or place of birth but on descent (*origo*): a man was a citizen of Ephesus not because he lived there or had been born there, but because his father—or, if he was freedman, his patron—was an Ephesian citizen. If he resided in some other *civitas* he would as a domiciled alien (*incola*) become subject to various obligations to the city where he lived, but he remained a member of the city of his origin, which retained a claim on his services.<sup>1</sup>

The above statements require some qualification. The two capitals of the empire lay outside the framework of the municipal system. There were also a few units of government which were not cities, either communities of inferior constitutional status, or areas, usually it would seem imperial lands, which were directly administered by the imperial government. From the statistical evidence at our disposal it is clear that these units were an insignificant minority. The *Notitia Galliarum*, an official register of the administrative units of two dioceses of Gaul and the Seven Provinces, drawn up, it would seem, in the late fourth or early fifth century, shows 114 *civitates* as against 8 other units. For the Eastern half of the empire we possess the *Synecdemus* of Hierocles, a document which is based on an official register, probably drawn up in the middle of the fifth century, and has been imperfectly

revised down to the reign of Justinian, and for the two dioceses of Oriens and Egypt we have a more accurate register compiled by George of Cyprus, probably in Justinian's time. Hierocles' lists are manifestly defective, but by correcting them from other evidence one can reconstruct the administrative map of the Eastern empire with tolerable exactitude. There were in all rather over 1,000 units of government, and of these less than 100 were not cities.<sup>2</sup>

We know very little about these extraterritorial units save their names, titles and location. In the diocese of Oriens there were altogether about twenty-five villages (*κῶμαι*) or groups of villages, varying from three (*τριχωμία*) to nine (*ἐνακωμία*) in number. Most were in the province of Arabia, or in the adjacent parts of Palestine II and III. In these backward areas, which had once been parts of the Ituraean principality and the Nabataean kingdom, city life had not yet developed when they were annexed to the empire, and the village had remained the normal unit of government. These villages, as we know from their abundant inscriptions, were self-governing communities, which managed their own revenues and possessed and erected public buildings: the governing body was a mass meeting (*ὄχλος*), which elected annual magistrates and passed decrees. In fact the villages seem to have differed from small cities only in lacking a council (*βουλή*), and several were promoted to city rank in the third and fourth centuries. In the mountainous and backward areas of Phrygia and Pamphylia there were ten 'peoples' (*δῆμοι*), which were probably rural communes of a similar kind. The *castra* of Gaul were apparently communes which had been detached from the greater *civitates* but not granted the status of a *civitas* themselves.<sup>3</sup>

Most of the other units are styled estates (*κτῆματα*, *χωρία*, *κλήροι*) or *regiones* (*ὀρεγέωνες*), *tractus* (*κλίματα*) or *saltus* (*σάλτοι*), terms used in the third century for districts managed by the procurators of the imperial patrimony or *res privata*. It seems likely that they were areas of imperial land, administered by the *res privata*: a group of *regiones* in central Cappadocia may be identified with the *domus divina per Cappadociam*. The origins of these extraterritorial blocks of imperial land are for the most part unknown, but some at any rate had been royal land of client kingdoms. The four *regiones* of Amathus, Gadara, Livias and Jericho can be certainly identified with four toparchies of the Herodian kingdom, and it is perhaps significant that other groups of *regiones* occur in the interior of Bithynia and in Cappadocia, and a group of *tractus* in the area of the Ituraean principality.<sup>4</sup>

The cities of the empire naturally varied very greatly in size and in social and economic structure. In some the urban centre was a

populous town. There were industrial towns like Tarsus and Scythopolis with their linenweavers. There were great ports like Carthage or Ephesus. Other towns, like Athens, were seats of higher education, or, like Jerusalem, centres of pilgrimage. Others again were important as administrative capitals of dioceses or provinces. Alexandria, the greatest city of the empire after Rome and Constantinople, combined many roles; a great port and industrial town, it also had a famous university and was the religious and administrative capital of Egypt. Such towns depended little on their territories. Some ruled large areas, but Alexandria had no territory at all.<sup>5</sup>

The great majority of the cities were, however, essentially rural. They drew the greater part of their wealth from agriculture, and their urban centres were of minor economic importance. The average town was the market of its territory, where the peasants sold their surplus produce and bought such few articles as they could not obtain from village craftsmen. It was the administrative capital of its area, the seat of the local council and magistrates, and its religious centre, where the bishop lived. Above all it was the social centre where the landlords of the territory resided.

Among the ordinary *civitates* of the empire there were striking differences in size. In some areas cities were sparse and their territories correspondingly large, in others they were densely clustered. The reason for this anomaly was the extremely conservative policy followed by the imperial government throughout its long history. When it annexed an area it normally recognised the existing communities, and it rarely thereafter made any significant changes. It planted a few veteran colonies on land taken from rebel tribes or cities. It often gave municipal status to towns which had grown up round military cantonments. It sometimes gave independence to a town which had grown up in the territory of a large city. On the other hand, in areas where the original communities were very minute, it sometimes attached smaller to larger units or amalgamated groups of small units. Such changes, however, were not as a rule numerous enough to affect the basic political structure of the area, which remained fixed much as it had been at the time of annexation. In most cases therefore the administrative structure reflected the stage of social and political development which the population had reached when it passed under Roman rule.

There was one exception to this conservative policy. The Roman government preferred to exercise indirect rule, leaving the local administration to autonomous communities, and it therefore usually remodelled kingdoms which had been governed on a



centralised bureaucratic system. Pontus was partitioned into eleven *civitates* by Pompey, and Thrace was similarly divided into cities by Trajan and Hadrian. In the Herodian and Cappadocian kingdoms the development was gradual and was never fully completed: most of their territory was ultimately divided into city territories but there remained a few *regiones* under direct administration. In Egypt the centralised administration was maintained for over two centuries. Septimus Severus introduced a large measure of devolution by creating a council in the metropolis of each nome, or administrative district, and making it responsible for local government under the supervision of the *strategus*, the imperial district commissioner. Diocletian completed the evolution by formally constituting the nomes as *civitates* and substituting for the *strategus* of the nome an *exactor civitatis*.<sup>6</sup>

The conservatism of the Roman government and its results can be illustrated by some statistics. Gallia Comata when Caesar conquered it was occupied by some sixty large tribes, and the *tres Galliae* as organised by Augustus comprised as many *civitates* (according to Tacitus sixty-four): three or four colonies were planted in the area. In the twelve provinces which correspond to the *tres Galliae* the Notitia Galliarum enumerates seventy-eight *civitates* and six *castra*. Here and there a town has been detached from the territory of a *civitas*: Cenabum of the Carnutes has become the Civitas Aurelianorum, Bononia has been severed from the Morini, Ecolisma from the Santones, while Cabillonum and Matisco of the Aedui rank as *castra*. But the great majority of the *civitates* of Gaul are identical with the tribes which fought against Caesar, and still like them occupy wide rural territories. In Britain the story is the same. When it was annexed the whole province comprised under twenty large tribal *civitates*: to these were added London and four Roman colonies. In the sixth century Gildas, probably quoting from a late Roman notitia, declared that there were twenty-eight *civitates* in Britain.<sup>7</sup>

The social structure of Africa was very different when it passed under Roman rule. According to Pliny, citing the official Augustan register, it contained no fewer than 516 communities, of which six were colonies, fifteen *municipia*, thirty-two *oppida* and all the rest tiny tribal communes (*nationes*). For the later empire we have no official notitia of Africa, but from the abundant ecclesiastical documents we can trace over 500 episcopal sees in the provinces of Numidia, Proconsularis, Byzacium and Tripolitania, which correspond to Pliny's Africa. Not every see was a *civitas*, for competition between catholics and Donatists was keen, and on both sides bishops were appointed to *villae* and *fundi*, either within the

territories of *civitates*, or perhaps in extra-territorial *saltus*. There are among the sees some sixty whose titles suggest that they were estates—Villa Magna, Vicus Haterii, Horrea Coelia, and, most characteristic, Drusiliana, Frontoniana and many others formed from a personal name with the termination -ana. On the other hand some small *civitates* had no bishop: Augustine mentions the Municipium Tullienae, which had its own *duoviri* and *curiales*, but was ecclesiastically subject to himself as bishop of Hippo. The episcopal lists suggest that Africa had not greatly changed since the reign of Augustus. Besides Carthage there were a few dozen towns of a respectable size, the old Punic cities of the coast like Lepcis, Utica or Hippo Regius, and in the interior Roman colonies like Lambaesis or Thamugadi, but in addition to these there still survived some 400 little native townships with uncouth Berber names.<sup>8</sup>

In the Balkan peninsula there was a strong contrast between Illyricum and Thrace in the north, and Macedonia and Greece in the south. The northern lands had before the Roman conquest been inhabited by large tribal communities who lived scattered in villages. There was a number of Greek cities in the coastal areas of Thrace and under Roman rule a chain of cities developed along the Danube, most of them by origin cantonments of the military fortresses. But in the interior cities remained very few and far between. The itinerary of the Bordeaux pilgrim vividly illustrates how sparse cities were in north Balkan lands in the fourth century. Travelling along the main road from Aquileia to Constantinople, a journey of well over 1,000 miles, he passed through only sixteen cities, and of these eight were concentrated in the stretch of 175 miles where he followed the Danube between Mursa and Viminacium. Hierocles records only twenty-one cities in the whole diocese of Dacia, and fifty-five in Thrace, over half of which were in the two coastal provinces of Scythia and Europe.<sup>9</sup>

In Macedonia and Greece on the other hand there were already before the Roman occupation several hundred cities. In the province of Macedonia there were according to Pliny 150, and Pausanias' guide book shows that in the second century A.D. there were more than that number in the southern half of Greece, excluding Thessaly and Epirus. Some of the cities were substantial places like Thessalonica, Athens or Corinth, but the majority were small, and many were no more than glorified villages. Hierocles' lists show that many small cities had disappeared between the second and the fifth century. In the two Macedonias and New Epirus he records under fifty, as against Pliny's 150 for the same area. In Greece he enumerates about 100, of which over seventy lie

in Achaea, the area covered by Pausanias; here then the number had been roughly halved. But despite these substantial reductions the density of cities in the Macedonian diocese as a whole remained very high. Without counting the twenty-two cities of Crete it had nearly twice as many as the combined dioceses of Dacia and Thrace. And within the Macedonian diocese (excluding Crete) nearly half the cities were crowded into the tiny province of Achaea. Here Hierocles' list testifies to the survival of many tiny places which in Pausanias' eyes barely qualified for the title of city.<sup>10</sup>

There was a similar contrast in the density of cities between the dioceses of Asiana and Pontica, which covered the West and South, and the North and East of Asia Minor respectively. The areas included in Asiana correspond roughly to the Seleucid zone in Asia Minor, and under their tolerant and somewhat ineffective and intermittent rule local autonomy had grown and flourished. By the time that these areas became Roman provinces they consisted of an agglomeration of several hundred communities of very various size and structure, ranging from large and highly organised cities to primitive highland clans with their hill fortresses and rural tribes who lived scattered in villages. Pliny informs us that there were 282 communities in the province of Asia, and 195 (including tetrarchies, areas ruled by minor chieftains) in the original province of Galatia, to which must be added the cities of the Lycian League, which officially numbered thirty-six, but were in fact more numerous, since an official city was often a sympolity or group of three or four.<sup>11</sup>

The diocese of Pontica, on the other hand, corresponded roughly with the kingdoms of Bithynia, Pontus and Cappadocia, with the Paphlagonian principality and the wide territories of the three Galatian tribes. The kingdoms had been administered on centralised lines, and contained very few cities when they were annexed. More were founded to take over the administration of the country, but they were few and far between, each responsible for a large territory, and some areas remained under direct administration. The sparse distribution of the cities is once more illustrated by the itinerary of the Bordeaux pilgrim: traversing the main road from Chalcedon to the Cilician Gates, which ran throughout in Pontica, he passed through only eleven cities in a journey of about 560 miles.<sup>12</sup>

By the sixth century the number of communities in Asiana had been considerably reduced, mainly it would seem by the amalgamation of a few large village clusters, but also by the suppression here and there of the smallest cities. Over all the number of cities, including the ten surviving tribal communes (*δημοι*), still came

to about 330. This is a sharp reduction from the 500-odd of the early Principate, but again it is remarkable how many tiny cities tenaciously maintained their independence in the mountain fastnesses of Caria, Lycia, and Pisidia. In Pontica the later emperors considerably increased the number of cities, partly by detaching towns which had grown up on the larger territories and partly by converting extraterritorial areas into cities. By Justinian's reign the total was however still under eighty for an area considerably larger than Asiana.

In the diocese of Oriens the 180 cities were more evenly distributed. The mountains of Isauria account for twenty-five, mostly little places, the plain of Cilicia for seventeen large towns. Along the coastal plain of Syria, Phoenicia and Palestine and in the Orontes valley the cities are closely set. Elsewhere in the interior they are sparser and their territories sometimes very large, except in the province of Arabia, where a number of villages had been raised to the status of cities, but the accession of dignity had carried with it no increase of territory. Thus Oriens also had its contrasts. The territory of Antioch included the village of Gindarus, thirty miles away, and that of Apamea Tarutia, more than thirty-five miles to the east, while the not very important city of Cyrrhus ruled a territory which, according to Theodoret, was forty miles long and forty miles broad. In Arabia Dionysias was only four miles from Canatha, Canatha seven miles from Philippopolis, and Philippopolis five miles from Maximianopolis.<sup>13</sup>

In Egypt there were besides half a dozen old cities fifty-four nomes (including the three oases), which Diocletian raised to civic status. He founded two new cities in the Nile valley, and broke up the desert districts of Casiotis and Libya which flanked the Delta to the east and west: here fifteen little towns, ports or posting stations on the roads, acquired civic rank. The diocese also included Cyrenaica with its five ancient Greek colonies and one Hadrianic foundation. Later emperors made little change, and the total number of cities had by the sixth century risen by about ten only. The distribution of cities was on the whole even, but Egypt had its contrasts. The nomes differed greatly in area: Heracleopolis was assessed at 350,000 *artabae* of wheat, its little neighbour Nilopolis at 10,000 only. Side by side with the great city founded by Alexander there still survived the tiny colony of Naucratis, planted by Greek adventurers almost three centuries before Alexander's day.<sup>14</sup>

The urbanisation of the empire was virtually complete by the

reign of Diocletian, who by finally converting the nomes of Egypt into cities brought into line the last area of any importance where direct administration still survived. The later emperors, however, limited though their opportunities were, still continued to found cities and to take pride in so doing. It had been since Alexander one of the traditional duties of a king to found cities, and tradition still remained strong, especially in the Eastern half of the empire. Diocletian, granting city rank to the village of Tymandus, declared that it lay near his heart 'that throughout the whole of our dominions the honour and the number of the cities should be increased', and Constantine, acceding to the request of Orcistus, a village of Nacoleia, to become an independent city, used language which would have been familiar to any Hellenistic king: 'the inhabitants of Orcistus, from now on a town and city, have furnished a welcome opportunity for our munificence. For to us, whose aim it is to found new cities or restore the ancient or re-establish the moribund, their petition was most acceptable'.<sup>15</sup>

The tradition is also exemplified by the grant of dynastic names to cities to perpetuate the memory of their founders (or refounders). In the Latin-speaking West, the practice was never very common and remained rare in the later empire. In the Greek-speaking East, where Hellenistic tradition was stronger, most of the emperors of the Principate were commemorated by cities which bore their names, and here the custom continued in full vigour. There were at least ten cities named after Diocletian or his colleague Maximian. There was only one Constantinople, but four named Constantine or Constantia, as well as two in honour of Constantine's mother Helena. Julian and his mother are commemorated by a Julianopolis and a Basilinopolis, Valens and Valentinian by three cities. No fewer than nineteen cities celebrate the emperors of the Theodosian house and their wives, while Marcian and Pulcheria have a couple each. Leo has five and his wife Verina two, and there are at least four Zenonopoleis and nine Anastasiopoleis. Justinian, as might be expected, outbids all his predecessors with fifteen or more; but Theodora is, strange to say, commemorated by two cities only.<sup>16</sup>

Many of these titles commemorated some temporary benefaction, such as the rebuilding of a city ruined by war or earthquake; it was in these circumstances that Cirta of Numidia became Constantina, and Salamis of Cyprus Constantia. Others celebrated a constitutional change. The Upper Cilbiani of Asia probably became Valentinianopolis when they rose from a tribe (*δῆμος*) to a city, and Maximianopolis and Constantine of Arabia had no doubt previously been independent villages (*κῶμαι*). In other cases a dynastic name

marks the establishment of a new city by the severance of a town from its parent city. The name Gratianopolis probably celebrated the promotion of Cularo of the Allobroges to the status of a separate *civitas*. Other instances are Constantia, previously Maiuma, the port of Gaza, and Constantine, hitherto Antaradus, the mainland territory of the island city of Aradus. Again a dynastic name might celebrate the grant of city rank to a *saltus* or *regio* or *tractus*. Thus the *regio* of Lagania became Anastasiopolis and that of Mocissus Justinianopolis, the *saltus* of Zalichen became Leontopolis, and the *tractus* of Daranalis and Acilisene Theodosiopolis and Justinianopolis.<sup>17</sup>

The foundation of a city might involve building operations—the fortification of a previously unwalled town or village, or the erection of some public buildings. It might involve some transfer of population; the chroniclers speak of the emperors as sometimes transplanting the inhabitants of the surrounding countryside into a new city, previously a mere village. But more often the change was juridical only. Diocletian in the charter of Tymandus sets out the steps which have to be taken that it may acquire like other cities ‘the right of assembling in council, enacting decrees and performing other acts which are permitted by law’. The inhabitants must elect the usual complement of civic magistrates—*magistratus* proper, that is duovirs, and aediles and quaestors and any others that may be required. And secondly the provincial governor must enrol a council (*curia*). In this case the Tymandeni had assured the emperor that a sufficiency of decurions would be forthcoming locally, and the emperor takes note of this statement and orders the governor to enrol fifty forthwith, expressing the hope that by the favour of the gods the number will increase.<sup>18</sup>

Elsewhere, where the number of substantial landowners resident in the locality was insufficient, the emperors transplanted to it decurions from a neighbouring city. Julian is stated to have thus transferred decurions of Nicaea to form the council of Basilinopolis, hitherto a *regio*; and Valens ordered some of the decurions of Caesarea to move to the *regio* of Podandus, which he was planning to constitute a city. These may be exceptional cases, for in a *regio* the bulk of the land would have been crown property, and the lessees would no doubt normally be the substantial citizens of the nearest big city.<sup>19</sup>

Some new cities thus continued to be created, but new foundations were rare. The great majority of the cities of which the empire was composed had already by Diocletian’s reign a very long history, not merely as inhabited places but as political entities. Even in the West, where history begins later, the ancient Greek and

Punic colonies like Massilia, Syracuse or Utica, and many of the Italian towns, could boast of as long a continuous existence as Rome itself; the Gallic *civitates* could look back beyond Caesar's day; and even the Caesarean and Augustan colonies were three centuries old. In the east Alexandria and the cities built by the Diadochi had all celebrated their quincentenaries before Diocletian's accession, and they were relatively modern foundations compared with the ancient Greek and Phoenician cities.

Their citizens were proudly aware of their ancient traditions. The orator of the Civitas Aeduorum, thanking Constantine for tax concessions, boasts the ancient loyalty of his people to Rome, which had earned them the title of 'fratres populi Romani' under the Republic. Synesius, pleading for aid for Cyrene before Arcadius, recalls its antiquity; he himself claimed descent from the original Dorian colonists who had founded the city a thousand years ago. Libanius in his panegyric on Antioch, not content with recounting its historical foundation by Antigonus and Seleucus more than six centuries ago, enlarges on its mythical prehistory, which patriotic antiquaries had carried back to Triptolemus and Io. Pride in the antiquity of their cities was not confined to the cultured classes, nor did it fade with the passage of time. Malalas in his popular chronicle still in the sixth century devoted pages to the mythical and historical origins of his native Antioch.<sup>20</sup>

Infinitely diverse though they were in their antiquity and their origins, in their population and area and in their economic and social structure, the cities of the empire had during centuries of Roman rule acquired a certain uniformity in their constitutions. From a very early date the Roman government had laid down certain general rules for the government of the provincial cities. It had enacted qualifications of age, civil status, and, most important, property for the tenure of magistracies and membership of the council, and it had increased the power of the council by giving its members a life tenure, forfeited only by misconduct or loss of the property qualification. In the Western provinces extensive grants of colonial or municipal status to individual cities, and of Latin right not only to cities but to entire provinces, had during the Principate brought even greater uniformity; for these involved the adoption by the cities concerned of a standard Roman constitution. Elsewhere the application by provincial governors of general rules of law tended to produce a basic uniformity. Much variety survived in less essential matters, such as the titles and functions of magistrates, especially in the Greek-speaking provinces, where Latin right was never granted, and colonial status was sparingly given, but by the

third century a uniform pattern of local government had been established.

Of the three basic elements in the constitution, the people, the council and the magistrates, the first had by now long ceased to function. A constitution of Constantine reveals that in Africa it was still customary for the magistrates to be elected by a vote of the people, but its terms show that the popular election was a mere formality, the magistrates being in fact nominated by their predecessors. We hear of no regular assemblies after this, but when the people assembled in the theatre or the circus to watch the games, the presiding magistrate sometimes took the opportunity to read out public notices. Sometimes, too, it would seem, the provincial governor would summon a public meeting in the theatre to read imperial letters and conduct other business. On these occasions it was customary to shout acclamations, and the acclamations often developed into demonstrations—of approval for a popular governor or of protest against the price of bread or the exactions of a magistrate.<sup>21</sup>

Such acclamations were minuted. From Oxyrhynchus there survive the minutes of an assembly, held on the occasion of some festival under Diocletian or one of his immediate successors. The proceedings open with reiterated acclamations: 'the Roman empire for ever! our lords the Augusti! Long live the *praeses*! Long live the *rationalis*! Hurrah for the president! Hurrah for the glory of the city! Hurrah for Dioscorus, the first citizen!' and so forth—but it presently emerges that the people want the president to receive some honour which he is reluctant to accept, 'let a decree be voted today for the president, he is worthy of many decrees, we enjoy many benefits through you, president. A petition to the *rationalis* about the president, long live the *rationalis*, we demand the president for the city, *rationalis*', and so forth, with further acclamations to the Augusti, the *praeses*, and the *rationalis*, and further praise of the president as founder of the city, ending with the reiterated demand: 'Let a decree be voted for the president, let it be voted today. This is the first essential.' The president at this stage addresses the meeting: 'I welcome the honour from you and am very pleased at it, but I beg that such demonstrations be deferred to a lawful occasion, when you may offer them securely and I may receive them without peril.' The people undeterred continue to shout their slogans until Aristion, the *defensor*, declares: 'We will refer the matter to the honourable council.' The people



seem satisfied, and give utterance to more loyal acclamations, ending with 'Prosperity to all who love the city! The lords the Augusti for ever!'<sup>22</sup>

It is not very clear what all this was about. The people were perhaps demanding the appointment of the president as *curator civitatis* by a decree of the council, which would have to receive the confirmation of the *rationalis* of Egypt. But whatever their precise demand, it is plain that in this unconstitutional way they made their wishes felt, and that the council took some account of them. Such semi-official demonstrations were reported to the imperial government, which might take them quite seriously. Constantine in an edict to the provincials encouraged them to cheer honest governors and boo bad ones, and promised that he would promote or punish the governors concerned accordingly. The acclamations would be reported to him by his praetorian prefects and *comites provinciarum*, and if they were genuine and not the product of a claue he would take action upon them.<sup>23</sup>

Acclamations were often of the latter sort, and Libanius not infrequently warns governors of Syria not to truckle to demonstrations in the theatre, which are, he declares, engineered by interested parties through professional claues. These were, according to him, small bodies, not more than four hundred strong in all, consisting of disreputable ne'erdo-weels, mostly not even Antiochenes, retained by the theatrical artistes, and willing to sell their services to the highest bidder. The account given by Libanius, which is confirmed by John Chrysostom, is not implausible. Slogan shouting was, it is true, a common practice at this period. It was done in the army, in church councils, and in the Roman senate itself. But it cannot have been spontaneous: some cheer leader must always have led the rest. In military parades, church councils or the senate, the organisation would not have been difficult, but when the populace of a city assembled in the theatre or the circus a more professional technique was required, and the need was filled by the trained claues of the theatrical and sporting profession.<sup>24</sup>

Libanius' low estimate of the theatre claues may well have been justified, but they afforded the only medium whereby the populace, after the loss of their political rights, could express their opinion of the government and voice their grievances. And as in general people will not demonstrate heartily contrary to their real sentiments and the cheer leaders were no doubt aware of this fact, the organised demonstrations probably represented popular opinion fairly accurately. Not infrequently they were effective. Even the imperial government was sensitive to them, and the civic authorities

must have held them in some awe. And not without reason, for the crowd, having worked itself up by shouting slogans, would often, if not mollified by promises of redress, proceed from words to deeds, and might lynch an unpopular magistrate or burn down the houses of decurions suspected of hoarding wheat.

The people played a humble but essential role in the administration of the city by providing its nightwatchmen, fire brigade, street and sewer cleaners, and craftsmen and labourers for the repair and erection of public works; it also, through the civic authorities, supplied workers to the imperial government for the public post and other services. These services were *corvées*, performed for limited periods—usually a year—in rotation. The selection of citizens for the various duties was in the West entrusted to the craft guilds into which the urban population was organised. In Egypt a different system was employed. The cities were divided into ‘tribes’ (*φυλαί*), which were in fact wards (*ἄμφοδα*), and these supplied the necessary workers in rotation, year by year. The workers were nominated by an officer (*φύλαρχος* or *συστατὴς τῆς φυλῆς*) who in the third century, when the system was instituted, was elected for the year by a ward meeting, and probably continued to be so elected in the fourth and later centuries. The tribal organisation was general in Greek cities, as was a similar grouping by *curiae* or *vici* in the West, but it is not known whether it was used outside Egypt for this purpose.<sup>25</sup>

The governing body of a city, and the hallmark of city rank, was the council (*ordo*, *curia*, *βουλή*). It was a co-optive body, whose members, the decurions, sat for life. Its numbers varied greatly, according to the size of the city. In the West one hundred seems to have been a common number, but a few cities had bigger councils, 600 in some cases. In the East, where large councils on the model of the Athenian 500 had been customary, such numbers were generally retained even when the character of the council had been completely changed: Libanius speaks of 600 as being standard in Syrian cities. Small cities, however, might be content with much smaller councils; Tymandus, as we have seen, started with only fifty members. On the other hand very large cities might have councils of exceptional size: according to Libanius Antioch should have had 1,200 councillors, of whom half fulfilled the *munera patrimonalia*, the charges on property, and the other half the *munera personalia*, the duties where only personal service was required. The theoretical establishment of the councils had, however, by the

fourth century come to matter very little, as they were normally well below strength.<sup>26</sup>

The principal business of the council was to elect each year in the first place the regular magistrates and other officers, regular and occasional, to conduct the administration of the town and its territory, and in the second place the officers required by the imperial government to collect levies and taxes and perform the multifarious other functions delegated by it to the cities. In the Latin-speaking provinces most cities had a uniform set of magistracies on the Roman model. Two *duoviri* were the heads of the government; they presided in the council, administered the vestigial remnants of jurisdiction which the cities preserved, and gave games. Below them were two aediles who managed the municipal services proper, the maintenance of the streets and public buildings, the cleaning of the streets and sewers, the water supply, and the market. Below these again were two quaestors who saw to the local finance. There was also a more or less standard establishment of religious officers, the *flamines* or priests of the various civic cults, and the colleges of *pontifices* and augurs; these two last were appointed for life. The religious officers still subsisted in the third quarter of the fourth century, but presumably were suppressed by Theodosius I.<sup>27</sup>

This standard group of magistrates was introduced sporadically into the Greek-speaking provinces, in cities which acquired the rank of colony and in new foundations; it was established at Tymandus when the village was raised to city rank. In the East however much more variety prevailed; the old Hellenistic magistracies had survived under the Principate, and, so far as our scanty evidence goes, they continued under the later empire. A case in point is Egypt, where of the rather peculiar group of magistrates which the metropoleis had acquired under Augustus and which had been completed when Septimius Severus instituted their councils, several are traceable down to the latter part of the fourth century. Here there was a single president (*πρότασις* or *πρόεδρος*) of the council; other officers who survived were the gymnasiarch, who managed the gymnasium and its baths, the cosmète, who is spoken of as being responsible for the good order of the city, and the high priest, who managed the civic cults.<sup>28</sup>

Every city naturally had police officers. In the West their titles are unknown. In Egypt, and perhaps in the diocese of Oriens also, each city had two *riparii*, who were responsible for public security throughout the territory, and under them two commanders of the night watch (*νυκτοστυράται*), who maintained order in the town. Elsewhere in the Eastern parts the chiefs of police, corres-

ponding to the *riparii*, were styled eirenarchs, or wardens of the peace. From the early years of the fourth century we find in the Eastern cities officers called *praepositus pagi*; the title is usually transliterated in Greek, sometimes translated (παγάρχης). They appear to have existed throughout the Eastern parts; in an edict issued in 311 by Sabinus, Maximian's praetorian prefect, after Galerius' death, provincial governors are instructed to write to 'the *curatores* and *duoviri* and *praepositi pagorum* of each city'. We learn of their functions from Egyptian documents. There was a *praepositus* for each of the districts or *pagi* into which the city territory was divided. He appointed the village headmen and tax collectors and constables, and was responsible for the exaction of levies and the enforcement of the law. Some of these offices were of long standing; eirenarchs already existed in the second century. *Riparii* and *praepositi pagorum* first appear in the fourth century; their Latin titles suggest that they were established by imperial enactment.<sup>29</sup>

The regular magistrates had by the end of the third century come to be overshadowed by the *curator civitatis* (in Greek λογιστής). *Curatores* had originally been special commissioners appointed by the imperial government to regulate the finances of cities (or groups of cities) which had become seriously embarrassed: they were at first—in the second century—normally senators or equites. Appointments had gradually become more general and regular until by the time of Diocletian every city had a permanent *curator*. Under Diocletian and even under Constantine senators were occasionally appointed to the larger cities, but normally the government now appointed a leading member of the local council and the post became the summit of a curial career. It is probable that the *curator* was appointed on the recommendation of the council, but he remained technically not a municipal magistrate, but an imperial official; in the West he still received his letter of appointment (*epistula*) from the central government even in the sixth century. His original function of controlling civic finance naturally gave him wide powers of interference in most departments of civic life, and by Diocletian's time he seems to have become the chief of the administration for all purposes. In the Great Persecution it was the *curator* who at Cirra and other African cities confiscated the scriptures and closed the churches and interrogated Christian recusants.<sup>30</sup>

The *curator* was in his turn overshadowed by another officer nominated by the imperial government, the *defensor* (in Greek σὺνδικος or ἑκδικος). He is first traceable in Egypt in the early fourth century, where he is coupled with the *curator* as one of the chief officers of the city: he acts as a judge, receiving complaints and

deciding minor cases, subject to appeal. The *defensor* also appears at about the same time in the villages of Arabia, where he heads the list of magistrates. The office may have been confined to the East, for Valentinian I introduced it apparently as a novelty in Illyricum and the Western dioceses generally. Valentinian attached great importance to the office. He envisaged the *defensores* as the champions of the lower orders—whence they were often styled *defensores plebis*—against fiscal extortion and the oppression of the powerful, and enacted that they should be selected by the praetorian prefects themselves, subject to his own approval, from persons of high official standing, former provincial governors or palatine officials or barristers: decurions were specifically excluded.<sup>31</sup>

These rules were not long maintained. Within twenty years, in 387, Theodosius enacted that the praetorian prefects should appoint persons recommended by a resolution (*decretum*) of the local council. The office thus became to all intents and purposes elective, though the official appointment continued down to the sixth century to be made by the praetorian prefects in the East and by the king in Ostrogothic Italy. They continued to perform a useful service in providing in minor civil issues cheaper and more expeditious justice than did the provincial governors; in criminal cases also and in major civil issues which were beyond their jurisdiction they could receive the pleas and evidence and put them on record, thus expediting the hearing of the case in the provincial court. It is doubtful, however, whether the office effectively fulfilled Valentinian's hopes. On the one hand *defensores* had in 392 to be reminded that they must live up to their name by protecting the decurions and the plebs from injury, and not exceed their powers by inflicting fines. On the other the office fell in prestige and authority, and was unable to give effective protection against palatine officials and other powerful oppressors.<sup>32</sup>

The various officers whom the council appointed to assist the imperial administration—the *susceptores* who collected the various levies and taxes, the *praepositi horreorum* who had charge of the state granaries, the officers who levied recruits for the army and labourers and craftsmen for public works, the *mancipes* or *conductores* of the stations of the public post, of the crown lands, of the customs, the *procuratores* of the mines and so forth—were for the most part elected by the same procedure as the civic magistrates. An exception was the *exactor civitatis*, the director of taxation in each city. This office appears in Egypt early in the fourth century—it is first mentioned in 309—where it replaces the *strategus* of the nome, who had in the old regime been in supreme charge of revenue collection: with characteristic conservatism the Egyptians

continued for sixty years and more to use the old title concurrently with the new. Like the *strategus* the *exactor* was an imperial appointment: in 345 Aurelius Eulogius, president of the council of Arsinoe, wrote to his friend Flavius Abinnaeus, who was going up to the *comitatus*, asking him to obtain in his name a letter of appointment as *exactor* from the emperor. By 386 this had been changed, and the *exactor* was like the *susceptores* elected by the council; he was from the middle of the fourth century usually a leading member of it. The office was probably not peculiar to Egypt, though nearly all the evidence for it comes from that country. The law of 386 which regulated elections to it is addressed to the praetorian prefect of the East, and is apparently of general application to all dioceses under his charge, and in the West two senior decurions on the album of Thamugadi, which probably dates from the early 360s, have the abbreviation EXCT, which is probably to be expanded to EXACTOR, inscribed after their names.<sup>33</sup>

The procedure of election is laid down in the Codes and illustrated by the papyri. Elections were normally held once a year on or before 1 March, three months before the candidates entered upon their offices: this was to allow ample time for serving notice of their election on absentees and for possible appeals, and the by-elections which resulted from successful appeals. A quorum of two-thirds was required at election meetings; by a law of 381 the quorum was calculated on the effective membership of the council, excluding the aged, the sick, the clergy, and absentees who were still on the register though they could not be reclaimed.<sup>34</sup>

Election is something of a misnomer for the actual proceedings, as there was rarely if ever a contest for the ordinary offices. The highest posts, which were filled by imperial appointment, carried a certain prestige, as well as authority and opportunities for profit, and there was sometimes competition for these. Constantine had to forbid junior decurions who were not qualified by their age or deserts from obtaining letters of appointment as *curator civitatis* by corrupt means, and, as we have seen, Aurelius Eulogius, the president of Arsinoe, enlisted the aid of an influential friend—for which he was prepared to pay—to obtain letters of appointment as *exactor*. But by the time that they became elective these posts had ceased to be attractive.<sup>35</sup>

In general the difficulty was to fill all the posts. A candidate was nominated for each post, and unless his protests carried the day the nomination was confirmed by the council: the nominee had a right of appeal to the governor, but unless he could successfully plead some legal claim for exemption—such as advanced age or infirmity

in the case of offices involving personal service—he was obliged to serve. The nominator was legally responsible for the suitability of his nominees, and had to guarantee the proper performance of their duties, and in particular underwrite their financial obligations. The risk undertaken in making a nomination (*periculum nominatoris*) was therefore considerable, and the duty seems generally to have devolved on the chief magistrates; in Egypt at any rate the president of the council appears to make all nominations. By accepting the nomination the council also corporately undertook responsibility, and a financial deficit incurred by any magistrate or officer duly elected could be recovered from all members of the council in proportion to their property. This rule explains why the imperial government, despite various experiments, always fell back in the end on curial tax collectors and managers of services like the post, which involved financial responsibility. It was the reason why the office of *exactor civitatis*, originally an imperial appointment, was made an elective post. The point is made very plain in a papyrus document, which cites ‘a divine constitution ordering that *exactores* must be appointed on the nomination of the council’, and ‘two magnificent edicts one of which commands that no one is to undertake a curial charge without the nomination of the council, and the other that the decurions are to [guarantee] curial charges in proportion to the property of each’. In accordance with these rules the decision is given ‘that either Taurinus must be expelled from the office of *exactor* if he was appointed without the council, or that a levy must be made in proportion to the property of each member if it be found that he was nominated with the consent of the council’.<sup>36</sup>

The elections not only to *curator* and *defensor*, which had in origin been imperial appointments, but certain other important offices, required imperial confirmation. Eirenarchs had to be nominated by the decurions with the approval of the provincial governor, and it appears from a debate in the council of Oxyrhynchus, held in 370, that nominations to *praepositus pagi* and *conductor* were confirmed by the prefect of Egypt, and, technically at any rate, by the praetorian prefect of the East and the emperor himself.<sup>37</sup>

The minutes of this debate, which are preserved in full, present an interesting picture of how the council did its work. ‘After the acclamations (the council apparently, like the people, opened its sessions by shouting “The Roman empire for ever!” and similar slogans), Theon, son of Ammonius, decurion, acting through his son Macrobius, came forward and made the following statement. “You know, fellow decurions, that I am on the list due to come into

force and am among the twenty-four persons ordained by his excellency Tatian (the prefect of Egypt) for the posts of *praepositus pagi* and *conductor*; the president has, perhaps by inadvertence, appointed me to the supervision of military woollen clothing for the 14th indiction, and this though I am providing horses for the games. For this reason I claim before you that the ordinances ought not to be infringed!" The decurions shouted: "The list must stand! the ordinances must not be infringed!" Ptolemianus, former *curator*, said: "The ordinances laid down by his excellency Tatian with the concurrence of the whole council must remain undisturbed, so that the twenty-four do not serve any other charge whatever, but stick to the heaviest charges, not only in this presidency, but under future presidents, and if anyone wishes to serve another charge, he does not do so on the responsibility of the council. Macrobius ought not to be troubled." Nine other speeches follow from Gerontius, former *exactor*, Sarmates, former *curator*, Ammonianus, former *exactor*, Valerius, former gymnasiarch, Macrobius and Achilleus, the *riparii*, Zoilus, former gymnasiarch, Theon, former president, and Eulogius, former gymnasiarch, who all say much the same thing, some of them arguing further that the list had gone up to the emperors and praetorian prefects and thus derived its authority from them. Before the unanimous protest of the ten senior decurions the president had to bow: "Your collective and individual pronouncements are duly recorded in the minutes: Macrobius will not be troubled about the supervision of military woollen clothing for the 14th indiction." <sup>38</sup>

In the West the regular magistracies had to be held in proper sequence, first quaestor, then aedile, then duumvir. Only those who had held the duumvirate were supposed to be eligible to the highest offices, such as *curator*; by this stage of his career, on the other hand, a councillor should if possible be spared onerous charges of less dignity, such as that of *susceptor*. Similar rules no doubt applied in the East, but the sequence of magistracies was less rigidly fixed. In the West the register of the council (*album ordinis*) was drawn on strict rules of precedence, based first on imperial rank and then on the tenure of priesthoods and magistracies. <sup>39</sup>

We possess a nearly complete copy of the *album* of the colony of Thamugadi in Numidia apparently drawn up in or shortly after Julian's reign. The list opens with ten *viri clarissimi*, Roman senators. Five of these are patrons of the city, and only honorary members of the council, the other five are presumably men who held honorary codicils which did not exempt them from curial duties. There follow two *perfectissimi*, men who held honorary



codicils of equestrian rank, and two *sacerdotales* (one of whom is a patron and the other an active member): these are men who had held the provincial high priesthood. Next come the magistrates and priests: first the *curator* and the *duoviri*; then thirty-two *flamines perpetui*, two of whom are labelled *exactores*, four *pontifices* and three augurs (the fourth augur was one of the *duoviri* of the year); then the two aediles and the quaestors (only one place was filled this year). We now come to the ordinary members who hold no imperial rank or municipal magistracy or priesthood. First come fifteen former *duoviri*, then about the same number of former aediles, and three or four former quaestors. Below these come the decurions who have held no magistracy, probably over 100 in number. Members below the rank of *duoviralicii* are classified as *excusati* or *non excusati*: this presumably indicates whether they had or had not any exemption from the humbler personal charges to which decurions who had not reached the duumvirate were liable.<sup>40</sup>

This official list makes no reference to the rather elusive group of the *principales*, to which the Codes frequently refer. They formed an inner ring within the council, and seem to have had *de facto* control of the administration; they are accused of oppressing their humbler colleagues in the allocation of charges and levies and of forcing them to sell their estates. They were not a mere caucus, but an officially recognised body, a kind of executive committee of the council, which tended to usurp its functions.<sup>41</sup>

In African cities they were ten in number, and in Sicily they are doubtless identical with the *decemprimi*. At Oxyrhynchus it may be suspected that the ten high ranking decurions who monopolised the debate in 370 were the *principales* of the council. At Alexandria, on the other hand, a constitution of 436 mentions the five *primates ordinis*: numbers may have varied locally. It was a necessary qualification to have passed through all the series of magistracies, but obviously not all who did so could have hoped for membership of so select a group. A constitution addressed in 412 to Dardanus, praetorian prefect of the Gauls, enacted that *principales* were to be elected by the council, and had to serve as such for fifteen years before being allowed to retire. These provisions appear to be innovations on previous practice: one may conjecture that the *principales* were normally *de facto* a co-optative body. The senior *principalis* was on retirement accorded some imperial rank. The *primus curiae* at Alexandria was from 436 after five (later reduced to two) years' service promoted to be a *comes primi ordinis*, which carried honorary senatorial rank: but obviously such a high honour was not granted to the *principales* of lesser cities.<sup>42</sup>

Under the Principate the revenues of the cities had been drawn in varying proportions from four principal sources, the rent of civic lands, the interest on money endowments (which were usually invested in mortgages), local dues and taxes, and the contributions of councillors and magistrates, either by way of entrance fees or in the form of *munera patrimonialia* (λειτουργία), that is payments towards the specific services which they were appointed to administer. Endowments, whether in land or money, were often earmarked for special purposes. The proportion of the revenue drawn from these sources naturally varied greatly from city to city. Older cities tended to have accumulated larger endowments; commercial towns gained a larger revenue from customs and market dues. The balance which had to be met by direct contributions from councillors and magistrates thus varied considerably. As Arcadius Charisius explains, if money was provided from the revenues of any city to the curator, the heating of the baths was a personal *munus* only, but otherwise a mixed one, involving both administrative responsibility and a money contribution.<sup>43</sup>

The money endowments of the cities must have vanished during the great inflation of the third century. Their taxes and lands were confiscated by Constantine and Constantius II, and after being momentarily restored by Julian, again confiscated by Valentinian and Valens. The confiscation by Constantine of the temple lands was also a loss to the cities, since these lands were administered by them. The temple lands, restored by Julian, were finally confiscated by Valentinian and Valens, but their loss was later balanced by the abolition of the pagan cult to whose upkeep their revenue had been devoted.<sup>44</sup>

Valens soon found it necessary to refund to the cities some proportion of their rents in order to enable them to maintain their walls and other public buildings. The amount refunded was at first variable, being calculated according to the estimated needs of the city concerned, and the management of the lands was retained by the *res privata*, whose *actores* paid over the specified sums. The cities complained that it was only with difficulty and after long delays that they received the money, and moreover that they received only the fixed rents and did not, as in the old days, profit from extra charges of various kinds, which were now pocketed by the *actores rei privatae*. These complaints apparently bore fruit. From 374 a fixed proportion of the rents of former civic lands, one-third, was allowed to the cities in both halves of the empire, and it

would seem that the actual lands were placed under the management of the cities. At the same time one-third of the civic tax revenue was refunded to the cities, but in this case, it would seem, the management remained in the hands of the *sacrae largitiones*; twenty years later the imperial government was again claiming the whole of the civic tax revenue, but the cities later recovered their third share.<sup>45</sup>

In 400 urban sites and buildings, whether formerly the property of the cities or of the temples, were granted on perpetual lease, but still subject to a rent to the crown, to the councils or guilds of the cities. In the following year the rent appears to have been remitted, and it was enacted that if any petitioner asked for such a property, it should be conceded only if the council concurred that the property in question was a vacant lot which contributed nothing to the beauty or use of the city, and furthermore that its rent should go to the repair of public buildings. In 431 the cities were empowered to administer their third of the taxes instead of receiving their share of the revenue from the *sacrae largitiones* as hitherto.<sup>46</sup>

The cities found it difficult to protect their lands from petitioners who solicited the crown for them and from powerful persons who illegally usurped them. Theodosius II in 443, moved by the serious condition of Heraclea, enacted that all civic lands usurped during the past thirty years should be restored, and Marcian in 451 issued an even more drastic law, ordering that all who had obtained civic lands from the crown with remission of the rent since 379 should henceforth pay the rent to the cities, while retaining full ownership.<sup>47</sup>

Though the cities lost much of their old endowments, they also as time went on gained some new ones. They were still entitled to receive gifts and bequests, and if these were not as common as under the Principate, there is evidence that they were not unknown. A law of 472 envisages such gifts and legacies being sold for current expenses, but in Justinian's time the city of Aphrodisias had built up from them a considerable cash endowment fund, the interest on which was used for maintaining the baths and public buildings.<sup>48</sup>

The few cities which still retained the right to claim the *bona vacantia* of their citizens were deprived of this privilege by Diocletian. But Constantine allowed the cities to claim the property of a decurion who died intestate without heirs, and by subsequent laws the estates of decurions who absconded and failed on due summons to return were allotted to their cities. Decurions who took orders and had no son or other relative were obliged under various laws to surrender their property or two-thirds of it to their cities. From 428 one-quarter of any curial estate which passed to

an outsider was allotted to the city, and the proportion was raised by Justinian to three-quarters. In these ways the cities must have accumulated some additional lands. They were also at the beginning of the fifth century authorised to institute new local taxes.<sup>49</sup>

The rents of the civic lands were paid into a common chest, but these rents were stabilised at a rather low level, and allowed the lessee a considerable margin of profit. It was the custom of councils, which controlled the administration of the lands, to allot the leases to their own members. This practice naturally opened the door to jobbery. Julian severely criticized the council of Antioch for apportioning 3,000 *ingra* of deserted land, which he had given tax-free to the city, to those who had no need of it; and the profits of the decurionate, which, according to Libanius, the leading members of the council kept to themselves, doubtless consisted in large part of these leases. They could however be legitimately used to subsidise those councillors who bore the heaviest financial charges. Julian re-allotted the 3,000 *ingra* to those who annually furnished horses for the races, and Libanius alludes to this being the normal practice of the Antiochene council: he begged that leases of the smaller estates might be granted to his assistant lecturers to supplement their meagre salaries. The revenue from local taxes was also sometimes allocated to individual decurions who undertook expensive offices.<sup>50</sup>

The scope and scale of the municipal services naturally varied according to the size and wealth of the city. Even in the second century Panopeus, 'a city of Phocis, if one can call it a city', to quote Pausanias, possessed 'no municipal offices, no gymnasium, no theatre, no market, no water laid on to a fountain'. In the later empire there were many small cities which boasted no urban amenities. On the other hand Libanius in his *Antiochicus* paints a glowing picture of the splendour and luxury of his native town. Between these extremes there were many cities which strove with varying success to maintain decent standards.<sup>51</sup>

It was the duty of the cities to preserve law and order, and all must have possessed some kind of police force. At Antioch we heard of paid constables, armed with truncheons. From Oxyrhynchus we have a list of its sixty nightwatchmen and their beats. It was also the responsibility of the civic authorities to regulate the market. They enforced the use of proper weights and measures, fixed prices and exercised a general control over the guilds of shopkeepers and craftsmen. From Oxyrhynchus we have a series of

guarantees given to the civic authorities by the several guilds that they will sell their goods at a given price. An inscription from Sardis records an agreement negotiated between the *defensor civitatis* and the builders' guild, in which the latter agree to make their members complete contracts which they have undertaken.<sup>52</sup>

In this sphere the most onerous responsibility of the city council was to ensure that bread was produced in sufficient quantities and sold at reasonable prices. Alexandria and, it would seem, some other very large cities like Antioch and Carthage, were assisted by regular subsidies of corn from the imperial government, but these subsidies did not by any means cover their needs, and most cities had to face the problem unaided. Libanius has much to say on the bread crises of Antioch. The first reaction of the civic authorities was naturally to fix the price of bread, and when the bakers resisted, to enforce obedience by ruthless flogging of the offenders. On one occasion the bakers under this treatment fled *en masse* to the mountains, and were only persuaded to return by the personal intervention of Libanius. If forcible means failed, the council endeavoured to get the landlords to release stocks of grain which they were holding up, but as the leading offenders were normally the richest decurions, its efforts were usually ineffective. At Caesarea it was only when Basil, the eloquent and energetic bishop of the city, brought his influence to bear, that the landowners were induced to disgorge. In the last resort a civic cornbuyer (*σιτώνης*) was elected and supplied with funds from the civic revenues or by public subscription. Some cities maintained a regular fund for the purchase of corn (*σιτωνικά*).<sup>53</sup>

All cities worthy of the name had a drainage system and a public water supply. The water was often brought from a considerable distance by aqueducts, and was piped to public fountains and to the baths: water was also supplied to private houses on payment of a water rate. These services naturally cost the city something in repairs and maintenance, but much of the routine work, such as the cleaning of the sewers, was performed by *corvées*. At Antioch the streets were lit at night, but this did not involve public expenditure. The shopkeepers were compelled to maintain oil lamps outside their premises; Libanius protested at the action of one of the *consulares* of Syria, who insisted on the number of lights being tripled, and thus inflicted grave hardship on the humbler citizens.<sup>54</sup>

Public baths were considered an essential amenity of civilised life, and every self-respecting city maintained one or two; Antioch had eighteen, one for each ward of the town. The maintenance of these great structures must have been expensive, and the attendants had to be paid, but the heaviest charge was the fuel, of which they

consumed immense quantities. The heating of the baths is recognised in imperial laws as a major charge on civic revenues, and some cities had special funds earmarked for the purpose. But the greater part of the expense often fell on the curial curators of the baths: the post is frequently mentioned among the most burdensome of the liturgies.<sup>55</sup>

The larger cities had their education and health services, maintaining professors of rhetoric and grammar and public doctors, who received salaries from the civic revenues. A far heavier charge was public entertainment. Down to the sixth century the cities maintained the tradition of giving games—chariot races, athletic competitions, theatrical displays and wild beast fights. Some cities possessed endowments (*agonotheticae possessiones*) for the purpose, but the bulk of the expenditure fell on the decurions.<sup>56</sup>

The heaviest burden which fell on the civic authorities was the maintenance of public works. In the prosperous days of the Principate the cities had indulged in an orgy of building, and had equipped themselves with monumental temples, theatres, amphitheatres, stadia, circuses, baths, markets, colonnaded streets, triumphal arches, aqueducts and ornamental fountains, often on a scale exceeding their real needs. After the abolition of the pagan cult the temples became superfluous. A few were preserved as public monuments, and some were converted into churches, but the majority were either demolished or allowed to decay, being used as quarries for building material. But most of the other buildings were still needed, and had to be kept in repair, and, if destroyed by fire or earthquake, rebuilt, usually on a more modest scale. Moreover, as conditions became more insecure, fortifications, which had been neglected in the peaceful days of the Principate, became essential. During the fourth century many cities had to build new walls, or to reduce their old circuits, which were decayed and too extensive to maintain and to man.

The work was done on the cheap. The stone was invariably reused blocks, and forced labour was employed: Libanius protested that the urban craftsmen and shopkeepers were compelled to haul columns or pay substitutes for the work, and that peasants bringing produce to the town were made to carry out builders' rubbish, overloading their donkeys and ruining their sacks. Nevertheless some material had to be bought and skilled workmen had to be paid: the *curator* of Oxyrhynchus in 316 received a bill from the smiths' guild for a hundredweight of iron 'for public civic works' and an estimate from a painter for decorating the Trajanic Hadrianic baths.<sup>57</sup>

It was because their walls and public buildings were falling into

ruin that Valentinian and Valens refunded a third of their rents and taxes to the cities, and the maintenance of public works was regarded as a first charge on their revenue. Special superindictions were also raised from time to time. But funds evidently did not suffice. Even such essential buildings as walls and aqueducts fell into ruin, and the emperors had to undertake the task of restoring them.<sup>58</sup>

It is impossible to estimate how much of the local expenditure was covered by public revenue and how much by the decurions in the form of liturgies. The proportion must always have varied greatly from city to city, according to the quantity of their endowments and the yield of their local taxes and the scale of their expenditure. The confiscation of the civic lands and taxes certainly put an intolerable strain on the decurions, and resulted in a disastrous neglect of public works. When the cities recovered a third of their old lands and taxes, and as they gradually acquired new endowments, the situation was eased, but in the meantime the richer decurions had been escaping from the *curia*, and the curial class was as a whole less able to support heavy liturgies. On the other hand, as time went on, the cities lowered their standard of living: games were reduced in number and pruned of their extravagances, and superfluous buildings were abandoned. By and large, it would seem, the burden on the decurions did not increase, and ultimately, with the growth in endowments and the reduction of public services, decreased. By the reign of Justinian it is implied by the language both of the Novels and of Procopius that the expenses of the cities were normally covered by their regular revenues, and that for emergencies, such as large repairs, special levies were raised from all local taxpayers.<sup>59</sup>

In any discussion of the curial order it is important to remember that, though juridically it was a single class, whose members all enjoyed the same privileges and were subject to the same obligations, socially and economically it covered a wide range. Libanius' letters and speeches show that in the latter part of the fourth century the leading decurions of Antioch gave games on a magnificent scale, buying horses from Spain and wild beasts from Bithynia, and were the social equals of the great senators of Constantinople. At the other extreme Caecilianus, *duovir* of Aptungi at the opening of the Great Persecution, seems to have been an illiterate weaver who took his meals with his workmen, and Ingentius, whom he employed as his clerk during his year of office, was a decurion of

Ziqua. A century later Augustine recounts a curious story of 'a man called Curma, a poor *curialis* of the Municipium Tullienne which is near Hippo, just a former *duovir* of the place, a simple peasant'. And not only were small town decurions very different people from those of great cities, but on the same council there was a wide divergence between the leading members, who pocketed the profits and perquisites, and their humble colleagues, on whom they thrust the disagreeable jobs.<sup>60</sup>

The qualifications for membership were in the first place origin or domicile in the city concerned; a man might be compelled to be a decurion both in the city of his origin and in that of his domicile. Secondly free birth was required; the old ban against freedmen is still preserved in Justinian's Code. Thirdly, and most important, a property qualification was demanded. The property was normally, as the Codes make abundantly clear, land. Decurions are forbidden to evade their duties by retiring to their country estates. They are not allowed to alienate their rural or urban properties without licence. A merchant who has bought some farms might be enrolled on the council. It was a concession to the cities of Moesia that they might elect commoners whose wealth lay in slaves. This was partly perhaps because real property was better security; ships might be wrecked and slaves die or abscond. But the basic reason why the curial class was, by and large, a class of landowners was that land was the most important form of property and source of wealth in the empire.<sup>61</sup>

The amount of the property qualification must have varied from city to city. The obligations which a decurion of Carthage had to undertake would have been of a very different order of magnitude from those which fell on the decurions of, say, Aptungi or Tagaste, and the richest inhabitants of these little country towns were very humble folk, whereas the great city of Carthage had many great landlords on its citizen roll. A constitution of Constantius II, which lays down that no one holding over 25 *iugera* of private land is to be excused membership of the council on the score that he is also a lessee of imperial land, and that even those who own less than 25 *iugera* are to be enrolled, if they lease little imperial land, is not to be taken as a general ruling. It deals with a special case, referred by the *comes Orientis* to the emperor, and must have concerned one of the villages which ranked as cities in Arabia, or perhaps a tiny hill town in Isauria: for 25 *iugera* is a peasant holding. A constitution issued by Valentinian III a century later, which authorises any citizen or resident of a city whose property exceeds 300 solidi to be enrolled on its council, was no doubt of general application. But it lays down a minimum



only, which is incidentally much higher than that of Constantius' law, for 300 solidi represented something like 150 *ingera*; and by this time so many of the greater landlords had secured immunity that even important cities must have had to enrol relatively poor men.<sup>62</sup>

Membership of the council was already in the third century compulsory on qualified persons who were nominated, unless they could claim some legal immunity. Membership was therefore in practice hereditary, since the existing councillors necessarily possessed the property qualification, and were in fact normally the richest men in the city, and their sons inherited their property. Sons of decurions were nominated as soon as they came of age, that is in their eighteenth year: in 331 Constantine, learning that in some cities children of seven or eight were being nominated, had to reaffirm this age limit. Outsiders might be nominated to fill gaps, and the laws of Diocletian and Constantine usually place the same restrictions on qualified commoners as on decurions and their sons.<sup>63</sup>

Later restrictive laws confine themselves to hereditary *curiales*, and the enrolment of plebeians is rarely mentioned. Julian, who attached great importance to reviving the city councils and was, if Ammianus is to be believed, unduly harsh in the measures that he took to that end, encouraged the cities to enrol commoners: 'plebeian citizens of the same town, whom ample means have advanced to support the burdens of decurions, may be nominated in regular form'. In 393 Theodosius, in a constitution issued to Rufinus, praetorian prefect of the East, ordered that resident non-citizens and others who had no other claim on their services, if suitable, be enrolled. In the West Honorius in 415 enacted that those who were not members of any other corporation should be enlisted in the *curia* or *collegia* of their cities. Valentinian III in 439 authorised the enrolment in the *curiae* of all persons whose property exceeded 300 solidi. Such occasional attempts to round up all available persons suggest that in the ordinary course the city councils did not recruit members from outside, and indeed imply that the bottom of the barrel had been scraped fairly dry. Apart from these general measures there are two laws which authorise special measures in greatly impoverished provinces, Moesia (383) and Tripolitania (393). The former law authorised the councils to enrol plebeians, whose property consisted in slaves, the latter ordered the enrolment of all persons qualified by the possession of land or money. They are both evidently emergency measures.<sup>64</sup>

A law of 443 enabled fathers to legitimise their natural sons, if they had no legitimate issue, and bequeath their property to them,

provided that they enrolled them in the *curia* of their native city. Outsiders were also sometimes enrolled on the *curiae* as a quasi penal measure. Sons of veterans, if they refused to serve or were physically unfit, were by a series of enactments ranging from Constantine to Gratian compulsorily enrolled: there is no later reference to this practice, and it no doubt ceased when the government no longer gave veterans allotments of land. In 365 Valentinian I had to enact that no one should be enrolled in the city councils, 'whose splendour is very dear to us', who had not been duly nominated and elected by the council itself, and that no one should become a member for a fault for which he ought to have been struck off the roll. A later law (384) suggests that provincial governors were in the habit of relegating to the *curia* of their origin those of their officials whom they found guilty of misconduct, and this was probably the abuse which Valentinian forbade. It was however later (in 442 and 471) enacted that officials of the province who, contrary to regulations, secured posts in the higher branches of the service should be cashiered and enrolled on their city councils. Furthermore by a law of 408 unfrocked clergy were enrolled, according to the amount of their property, either in the *curia* or in one of the guilds of their city.<sup>65</sup>

It would appear that from about the last quarter of the fourth century the intake of outsiders virtually ceased, probably because all qualified landowners had either already been enrolled or had secured for themselves some status which gave them immunity. From this time the curial order became by and large a closed hereditary caste. The preservation in the Code of Justinian of laws of Diocletian forbidding slaves and freedmen from aspiring to the *curia* may indicate that some persons of very humble status did enrol themselves in order to improve their social position; we know in fact of a slave of the Roman church who in the last years of Justinian's reign, on the strength of the *peculium* which he had amassed, had 'the audacity to usurp for himself the title of *curialis* in order to escape from his proper servile status'. But such cases must have been rare, nor can the accession of legitimised bastards, delinquent officials and unfrocked clergy have added a significant number of new members.

On the other hand the curial class suffered a continuous leakage which the imperial government may by its reiterated legislation have to some extent controlled, but which it certainly did not stem. The outlets for escape available to the various strata of the curial order naturally varied greatly. The richest aspired to a place in the imperial aristocracy, that is down to the middle of the fourth century the equestrian order and the *comitiva*, thereafter the senate.

The earlier phase of this movement was less dangerous to the well-being of the cities in that in law equestrian status and the rank of *comes* were personal and the sons of those who secured promotion remained decurions—though naturally their fathers would and could use their influence to get them promoted also. The government at this stage did not object to decurions holding the offices which carried equestrian rank or a *comitiva*; indeed with the rapid expansion of the administrative hierarchy under Diocletian and his successors it was obliged to recruit extensively from the curial class, which comprised the men best suited by their status and education to fill the new posts. It only endeavoured to insist on two points, that decurions must hold the regular series of offices in their native cities before applying for an imperial post, and that, to secure immunity, they must hold or have held genuine posts and not honorary codicils of the *comitiva* or of the perfectissimate, *ducena*, *centena* or *egregiate*, or the fictive rank of former *praeses* or former *rationalis*. Repeated constitutions prove that the imperial government was quite incapable of controlling these abuses.<sup>66</sup>

As from the latter part of Constantine's reign more and more posts came to carry senatorial rank, the ambitions of the richer decurions became more dangerous to the welfare of the cities. For senatorial rank was hereditary, and thus not merely an individual but a whole family secured immunity for all time with each promotion. The danger had evidently become serious by 361, when Constantius II debarred decurions from access to the senate, and existing senators of curial origin were deprived of their rank. In 364 Valentinian and Valens initiated a new policy. It was impracticable to close the higher grades of the imperial service altogether to the class best qualified to fill them, and a compromise was devised. A decurion before becoming a senator must perform his civic offices, and he must leave a son or sons to carry on the family burden in the *curia*. This principle was elaborated by Valens in 371. A decurion who had no son was debarred from the senate; if he had one only he must leave him in his native *curia*; if he had several he might transmit his senatorial rank to one only; and with this exception only sons born to him after he became a senator inherited his rank. It was furthermore enacted that honorary grants of posts carrying senatorial rank carried no immunity, but the same law confirmed the position of all decurions who had entered the senate before 360, and allowed many exceptions in favour of those who had since been promoted.<sup>67</sup>

In 380 and in 382 two laws, both addressed to the praetorian prefect of Illyricum and perhaps limited to that sorely tried prefecture, ordered the restoration to their cities of all senators of

curial origin. Apart from this the compromise of 371 remained in force till 386, when a new policy was tried by Theodosius in the East. Henceforth decurions might be admitted to the senate, but remained, with all their descendants, liable to curial charges. This rule proved difficult to enforce and in 392 an absolute ban was once more imposed on decurions entering the senate. Next year this ban was relaxed, and decurions were again allowed to become senators provided that their property remained subject to their curial charges, which they might perform by deputy. In the West the principles laid down in 364 seem to have remained in force. Honorius' government relaxed them in 397, exempting not only the sons of curial senators born after their promotion, but all the sons of those who rose to illustrious rank. In the East the regulations were tightened up. A law of 398 forbade decurions to hold provincial governorships, which now carried the *clarissime*, and another of 416 prohibited them to obtain codicils of that rank.<sup>68</sup>

Decurions nevertheless continued to obtain offices or codicils of the higher grades of *spectabilis* and *illustis*, and in 436 the government capitulated, confirming the status of existing senators of curial origin who held these higher grades of honour and permitting decurions to obtain them in the future. At the same time it revived in a modified form the policy of 386, enacting that *spectabiles* must continue, with their descendants, to perform their curial duties in person and that honorary *illustres* should remain financially responsible, but might perform their offices by deputy. Decurions who had held illustrious offices obtained full immunity for themselves and for sons born after their promotion. This compromise again proved unsatisfactory, for the government very soon (in 439) found that curial senators, burdened with the praetorship, were—or alleged that they were—unable to meet their curial charges. It accordingly remitted the praetorship to existing senators of curial origin, but forbade decurions for the future to aspire to the senate. Despite this law wealthy decurions still managed to secure codicils of illustrious rank, and only five years later a special ban was laid on their holding illustrious offices or equivalent honorary rank.<sup>69</sup>

This prohibition was not maintained, but the virtual abolition of the praetorship by Marcian, and his remission of the senatorial surtax, the *folles*, deprived curial senators of a legitimate excuse for evading their civic burdens, and made it possible for the government to insist on the rules laid down in 436. They were tightened up by Zeno, who struck off the minor illustrious offices from the exempt list. Henceforth only decurions who served as praetorian or urban prefects or masters of the soldiers, or who

were honoured with the consulate or patriciate, obtained, together with their sons born after their promotion, immunity from curial charges.<sup>70</sup>

This legislation dealt only with the highest strata of the curial order. For while it was possible for a relatively poor man to rise in the imperial service by merit, it was more normal to obtain offices by interest or bribery, and only those with aristocratic connections and ample means could pull the necessary strings and afford the substantial *suffragia* required. Honorary codicils were the legal reward of long service in some favoured palatine ministries and at the bars of the highest courts, or for undertaking the expensive honour of a provincial high priesthood, but they were normally obtained, as the emperors time and again complain, by graft or corruption, and only the most rich and influential decurions could secure them.

Those of less exalted status and more modest means tried to find a refuge in the civil service. The palatine ministries were the most attractive, being both lucrative and privileged; by the latter part of the fourth century long service in the more important offices was rewarded with senatorial rank. Access to them was correspondingly difficult and expensive; by the middle of the fifth century places in the best offices were legally sold, and had doubtless long before then been obtainable only by purchase. Next below these came the offices of the praetorian prefects and masters of the soldiers, then those of vicars and proconsuls and finally those of ordinary provincial governors. Decurions found their way into all of these: service in the provincial *officia*, which was, like curial status, a hereditary obligation from which no promotion was legally permissible, can have attracted only the humblest.

The imperial government at first allowed *curiales* to enter the palatine ministries, but in 341 ordered all who had served less than five years to be sent back to their cities. Thereafter periodic purges were held which became progressively severer. In the middle of the fourth century, fifteen, twenty or twenty-five years of service were required, the conditions varying from time to time in the several ministries: in 382 thirty years were demanded in all the ministries: from 389 no length of service gave security of tenure. In 423 it was enacted that after fifteen years in the *agentes in rebus*, the *sacra scrinia*, the *largitiones* and the *res privata*, and also in the offices of the praetorian prefects, a decurion was no longer liable to be sent back to his curial duties, but again from 436 no length of service was allowed to count, and this remained the rule under Justinian.<sup>71</sup>

Thus in principle decurions were from 341 ineligible for the palatine offices, being always liable to be sent back to their *curiae*, and even if they secured personal immunity by long service, their sons remained *curiales*. To these rules there were only two legal exceptions. From 413 a decurion who rose to the highest grade, that of *princeps*, in the corps of the *agentes in rebus*, secured immunity for himself and for his sons born after his promotion, and in Justinian's time the same privilege was enjoyed by those who rose to be *proximi* of the other most favoured ministry, the *sacra scrinia*; it is not recorded when this privilege was granted. But in view of the very spasmodic way in which the imperial government enforced the law, it seems likely that in fact a large number of decurions succeeded in freeing themselves and their families in perpetuity by service in the palatine and other superior *officia*.<sup>72</sup>

Towards the humbler *curiales* who sought refuge in the lesser *officia* the government was more ruthless. In 325 all decurions were recalled from the provincial *officia* save those in the final stage of service and already liable to the *pastus primipili*, and thereafter no length of service gave security. Whether the government was successful in enforcing the law is more doubtful. Such humble fry were difficult to trace if they migrated to another province and entered its *officium*, where they would be unknown, and by the end of the fourth century the government had to rule that if they failed to return when cited by edict, their estates should be forfeit to their native councils.<sup>73</sup>

*Curiales* also sought to free themselves by service in the army. It was no doubt only the humblest who enlisted as privates in the *limitanei* or *comitatenses* or as craftsmen among the *fabricenses*, but those of higher station joined the imperial guard (the *scholae*) or the corps of the *protectores et domestici* or secured commissions as tribunes or *praepositi*. Diocletian debarred decurions from military service, but a long series of constitutions shows that they continued to defy the law down to Justinian's day. In the army as in the civil service the government from time to time allowed men who had completed varying terms of service to finish their time. In 357 only five years' service in the *comitatenses* gave a man security, in 362 ten years in the *limitanei*, in 382 and 383 five years in the *protectores et domestici*, and fifteen in the ranks. After this no concessions are recorded. Some decurions obtained the benefits of military service without undergoing its toils and dangers by securing certificates of discharge as *ex protectoribus*: this abuse was naturally condemned by the government, which in 397 allowed them to keep their fictive rank but without the immunity which was attached to it.<sup>74</sup>

The privileges of other forms of state service, which under the Principate had given immunity from curial charges, were whittled down or abolished. Decurions were from 383 forbidden to undertake the contracts for the imperial customs, and where, as in Egypt, they were compelled to do so, the contract was treated as a normal curial charge. After 342 they no longer secured immunity by leasing state lands. Until the end of the fourth century they could escape from the *curia* by joining one of the *corpora naviculariorum* and making their property subject to that charge, but from 390 the status of a *navicularius* and a *curialis* became compatible, and *curiales* who acquired lands subject to the *navicularia functio* could not claim exemption from their civic duties, but simultaneously bore the charges attached to either category of land, their original curial estates and the navicular estates which they had acquired.<sup>75</sup>

Practice at the bars of the great courts of appeal, those of the praetorian and urban prefects, might also earn immunity for decurions. They were required to complete their civic services before beginning to practise, and in the West, according to a law of Valentinian III dated 442, obtained after twenty years (when they had to retire) or fifteen years (if they took up another career before reaching the retirement limit) the rank of vicar with immunity from curial burdens. In the East they had apparently enjoyed a similar privilege until in 436 they were excluded for the future from admission to these superior bars. This ban was reiterated three years later in 439, but in 440 barristers in the court of the praetorian prefecture of the East who reached the summit of their career by attaining the post of *patronus fisci* were rewarded with immunity from the *curia* for themselves and all their sons. This privilege was extended in 500 to the court of the Illyrian prefecture, and at an unknown date to that of the urban prefecture. That *curiales* continued despite the legal ban to be admitted to the superior bars is shown by the fact that Justinian restricted the immunity granted to the sons of *patroni fisci* to those born after their fathers' promotion.<sup>76</sup>

The doctors and professors of rhetoric and grammar in the service of the cities enjoyed a personal immunity from curial charges. This privilege was never restricted or withdrawn, no doubt because the number of persons involved was small and the exemption did not lend itself to abuse.<sup>77</sup>

When Constantine in 313 with a convert's zeal declared the Christian clergy immune from curial charges, he opened an avenue of escape which decurions were quick to exploit. Twelve or fifteen years later he had to limit the number of the clergy,

ruling that none be ordained except to fill vacancies caused by death, and to prohibit entirely the ordination of men of curial family or fortune. This absolute ban, which was clearly unjust to *bona fide* ordinands of means, was later withdrawn, and a *curialis* was allowed to take orders provided that he demonstrated his sincerity by surrendering his property to his sons or failing these to a relative who would take his place on the council, or if he had no relatives, to the council itself: in the two latter cases he could keep a third for himself.<sup>78</sup>

By 361 these rules had been generally relaxed, bishops being in all cases allowed to retain their property, and the lower clergy also, if ordained with the approval of the *curia*. Valentinian and Valens tightened up the rules, insisting that decurions must in all circumstances surrender all their property on ordination, and Theodosius re-enacted this regulation, which had evidently fallen into abeyance, making it retrospective to 388. In 398 the government of Arcadius reimposed an absolute ban on the ordination of *curiales*, and in 439 and again in 452 that of Valentinian III took the same step in the West. These laws were not however rigorously enforced—that of 439 makes express provision for cases when a *curialis* ‘shall have hastened to the service of the clergy even contrary to the prohibitions of the laws in the devotion of his heart’. As a rule the higher clergy—bishops, priests, deacons and subdeacons—were allowed to retain their position if once ordained, but had to surrender two-thirds of their property, while the lower clergy were put back on to the council.<sup>79</sup>

Justinian in 531 introduced a severer test for curial ordinands. Holding that ‘it would not be right for a *cobortalis* or *curialis*, bred in harsh exactions and the sins which are therefore likely to ensue, at one moment to carry out the cruellest acts and the next to be ordained a priest and preach about loving kindness and contempt for wealth’, he enacted that a *curialis* might be ordained only if before reaching man’s estate he had entered a monastery and completed fifteen years; he had also to surrender one-quarter, later raised to three-quarters, of his estate. Except by one law of Valentinian III (452) *curiales* were never forbidden to enter monasteries, provided that they proved the genuineness of their vocation by surrendering their estates: if they failed to do so they were by a law of 370 recalled to their duties, or if they refused to return, their estates were forfeited to the *curia*.<sup>80</sup>

It was probably only the humblest decurions who sought refuge under the patronage of ‘powerful houses’, which could assure them *de facto* if not *de jure* immunity. As early as 318 Constantine enacted severe penalties against decurions who married



the slaves of great men and against the great landlords or their agents who connived at such marriages; it is significant that the decurion concerned often alienated his property to his wife's owner. Other laws in 362, 371, 382, 395, prohibit this kind of patronage, in particular forbidding decurions to become land agents of the powerful. By the middle of the fifth century, this abuse was evidently common in Italy, where great landlords were many and the surviving *curiales* mostly very humble folk. Majorian in 458 ordered a general round-up of decurions from the great estates. Many had married *coloniae* or slave women: in the former case the sons were recalled to the *curia* with their father, in the latter they were relegated to one of the city guilds.<sup>81</sup>

The councils were weakened not only when their members in one way or another secured personal or hereditary immunity, but also when they alienated their property by sale, gift or will. Decurions might sell their estates to obtain ready cash to buy an imperial office or codicil which would raise them to senatorial rank, or a lucrative palatine *militia*. Or they might give them or sell them on advantageous terms to a powerful patron whose *suffragium* would secure them advancement. If childless they could similarly gain useful patrons by promising them their estates on their decease, if they had daughters only they would marry them to powerful persons. Many *curiales*, to free their hands, refrained from lawful marriage; their bastard sons were both legally incapable of inheriting their estates and ineligible for the *curia*. But it was not only ambitious decurions who alienated their estates. It appears both from Libanius' speeches and from the imperial constitutions that humble decurions often sold their lands under pressure to their wealthier colleagues or to great men not on the council who wished to round off their estates.<sup>82</sup>

It was to guard against this last abuse that in 386 Theodosius forbade a decurion to sell any of his real estate without official authorisation from the provincial governor, who was not to give his consent save for a reasonable cause, such as payment of debts. Under such a procedure, the emperor thought, 'a vendor ought not to complain that he has been tricked or intimidated by the purchaser'. This law, though of general application, came to be enforced only when the purchaser was a *principalis*, one of the chief decurions of the vendor's city, but in 423 it was expressly extended to all sales by decurions, whoever the purchaser. Zeno ruled that the law did not apply to deeds of gift, but Justinian extended it to these also.<sup>83</sup>

The problem of inheritance was first tackled in 428 by a law which entitled the *curia* to claim one-quarter of any estate left by a

decurion by will or intestacy to an outsider. This was followed in 442 by the law, already mentioned above, whereby a father could legitimise his natural sons by *oblatio curiae*: this law was, however, only permissive and probably had little effect. These laws were consolidated in 443 and once again in 528 by Justinian, who stopped up various loopholes. In 536 Justinian raised the share of the *curia* from one quarter to three quarters, and by a complicated series of rules endeavoured to ensure that either a decurion's legitimate sons, or his natural sons, if offered to the *curia* by their father or volunteering to serve themselves, or his sons-in-law (whether they married legitimate or illegitimate daughters), provided that they were or became decurions, or any fellow decurion not connected by blood or marriage, or in the last resort the *curia* itself, should inherit at least three-quarters of any curial estate. In 539, on the petition of certain *curiales*, Justinian permitted a decurion's estate to pass to any outsider, provided that he undertook the testator's curial position. Eventually curial charges thus became, as had the *functio navicularia* far earlier, a servitude on certain lands.<sup>84</sup>

From this vast and tangled mass of legislation two points emerge clearly, that the imperial government considered the maintenance of the city councils essential to the well-being of the empire, and that many members of the city councils strongly disliked their position. To the emperors the decurions were, as Majorian put it: 'the sinews of the commonwealth and the hearts of the cities'. In the former capacity they collected and underwrote the imperial levies and taxes, repaired the roads, administered the public post, conscripted recruits for the army, managed the mines; and though the government attempted on occasion to find substitutes for them in one or other of their many roles, such experiments were shortlived. As 'the hearts of the cities' they maintained those amenities of urban life, in particular the baths and the games, which were in Roman eyes essentials of civilized life. It is therefore understandable that the emperors—and the Ostrogothic and Visigothic kings—should have maintained a dogged struggle for three centuries to keep the city councils in being.<sup>85</sup>

The motives from which decurions persistently sought to escape from the councils are more difficult to determine, and varied according to their wealth and status and according to their individual ambitions and tastes. It need not be assumed that decurions never took holy orders from a genuine sense of vocation and never joined the army because they preferred an active and adventurous life. For the upper strata of the curial class, at any rate, the financial motive was not important. Not only were the

financial burdens well within their means, but as leading members of the council they enjoyed, Libanius asserts, many pickings, and could pass on the more onerous tasks to their poor colleagues. They no doubt resented their curial charges, for no one willingly pays supertax, and they shook them off when they could, but in aspiring to senatorial rank they were not only willing to incur a heavy initial outlay in *suffragia*, but to saddle themselves with the senatorial surtax, the *follis*, and with the praetorship, which was a more expensive charge than any curial *munus*.<sup>86</sup>

Many were no doubt ambitious, and wanted scope for their talents in the administrative hierarchy, or the power which imperial office gave, or the almost unlimited opportunities which it offered for acquiring further riches. But many wealthy *curiales*, perhaps the majority, did not aspire to office, but were content to obtain honorary codicils which merely conferred at first equestrian, later senatorial rank. With them one motive may have been to escape from the dreary round of personal duties which fell to a decurion. Libanius compares favourably the life of slaves with that of decurions, and draws a vivid picture of them rushing at dawn to attend a suddenly summoned meeting, still blinking and sleepy, or missing their baths and leaving their dinners half eaten, to find themselves saddled with the repair of the roads, the rebuilding of a bridge, the arrest of brigands or the exaction of *annona*. Even more impressive are the long lists of *munera personalia*, charges which involved not expenditure but personal service, given by the Diocletianic lawyers Hermogenian and Arcadius Charisius—the production of recruits or horses; the production or transport or convoy of other animals or of foodstuffs or garments; the charge of the public post and the provision of emergency teams; the duty of buying corn or oil for the city; the heating of the baths; police duties; roadbuilding; the inspection of the sale of bread and other foodstuffs; the collection and distribution of *annona*; the collection of the *capitatio* in money; the collection of the civic revenues; the erection or repair of public buildings, palaces, docks, post stations; not to speak of the provision of games. It is not surprising that it was esteemed a privilege to be allowed to perform one's curial duties by deputy, still bearing full financial responsibility.<sup>87</sup>

More important was the desire for the prestige and the security which senatorial rank afforded. This is stated in so many words by Theodosius II. 'We have learned that certain *curiales*, wishing to escape from the injuries of provincial governors, take refuge in the prerogative of the senatorial dignity.' Decurions, it is true, enjoyed as *honestiores* a number of legal privileges. They could

not lawfully be flogged or tortured, and they were immune from the more degrading capital sentences, such as condemnation to the mines, and indeed from the death penalty: relegation, that is exile with loss of property, was the maximum legal penalty to which they were subject, and this could only be inflicted after reference to the emperor. These privileges were, however, increasingly ignored during the fourth century by provincial governors. Two laws of Constantius II forbid governors to inflict corporal injuries on decurions, two more of Theodosius I threaten governors with the severest penalties if they flog decurions with lashes weighted with lead. Despite these recent laws the flogging of *curiales*, Libanius protests, went on, and he cites many actual cases. In 387 Theodosius officially permitted governors to flog (with the lashes loaded with lead recently prohibited) decurions who had embezzled public money, or been extortionate in collecting or corrupt in assessing taxes. By 436 immunity from corporal punishment was accorded as a privilege to the five leading members of the council of Alexandria, the governing body of the third city of the empire. Libanius is insistent that the flogging of decurions was the major cause of the decline of the councils. 'It is this', he wrote to Theodosius, 'it is this that has chiefly emptied the council chambers. There are perhaps other causes, but this especially, lashes and subjection to such corporal injuries as not even the most criminal slaves endure . . . In many a city, your majesty, after these floggings this is what the few surviving decurions say: "Goodbye house, goodbye lands! Let the one and the other be sold, and with their price let us buy liberty."'<sup>88</sup>

Simple security against maltreatment was not of course the only privilege which senatorial rank gave, and decurions who sought admission to the senate expected to gain larger and less harmless advantages for themselves. A senator, by virtue of *praescriptio fori*, enjoyed some measure of immunity from the jurisdiction of provincial governors and vicars. Governors were moreover *clarissimi* at most, and vicars *spectabiles*, and any decurion who got into the senate thus became the equal in dignity and precedence with his governor, and if he secured illustrious codicils the superior even of vicars. Theodosius II in 439 commented on the administrative difficulties to which this gave rise: 'But you also observe', he wrote to the senate, 'that the fact that by their promotion in rank they shake themselves free from the respect due to governors damages the public interest: for the collection of arrears goes slowly if the executive authority has to pay deference to the debtor.'<sup>89</sup>

Five years later an extraordinary incident gave point to the emperor's remarks. 'Valerian, a *curialis* of the city of Emesa, a rebel against public law and order, undeservedly and surreptitiously secured an office of illustrious rank with the object that, relying on the insignia of this dignity, he might enlarge to the full his insulting design. Surrounded by a great horde of barbarians he burst into the court of the provincial governor, dared to claim for himself a superior position, took his seat on the right hand of him to whom we have committed the laws, to whom we have thought fit to entrust the fate of the provincials, turning out all his officials and leaving desolation and solitude. As criminal as he is wealthy, he sheltered the other *curiales* also in his house, and, to defraud the public revenue, he opposed, in defiance of public order, a body-guard of slaves to the collectors of arrears, with the result that our treasury suffered a grave loss through his mad action.' Valerian's sole punishment was loss of his illustrious rank, despite which he was allowed to perform his curial duties by deputy.<sup>90</sup>

Much the same mixture of motives, blended in varying proportions, impelled decurions of lower degree to seek other avenues of escape. The poorer they were, the weightier was the financial motive. Curial charges were not adjusted according to property, and a burden which would be negligible to a wealthy decurion might be crushing to a poorer colleague. The iniquity of the system was aggravated by the fact that the richer members of the council generally took advantage of their position to allot the heavier charges to their poorer colleagues. And as in progress of time the wealthy curial families secured permanent exemption, the rump of poor decurions who were left naturally found the burden more oppressive.<sup>91</sup>

At the same time it must be observed that the great majority sought refuge in careers which were lucrative and opened up prospects of social advancement, and improved or at least preserved their status as *honestiores*. The bar, the higher branches of the civil service and commissioned rank in the army combined all these advantages, and so did holy orders as the endowments of the church increased. Even service in the provincial *officia* or in the ranks of the army involved no loss of legal status. *Cohortales* and common soldiers were *honestiores* and enjoyed the same legal privileges as decurions, and were moreover protected by *praescriptio fori*. It was only the humblest *curiales* who were prepared to forfeit their privileged status and sink to mere *plebei*, dependent for protection on the patronage of the great magnate whose lands they managed.

Only one case is known of *curiales* desiring to divest themselves

of their rank and become simple landowners. The sons of a certain Agenantia, in the province of Lucania, made this request on the ground of ill health, and the terms in which Cassiodorus acceded to it are significant: 'Let them then be placed rather on the list of landowners, to suffer none the less the troubles which they themselves used to inflict on others. For they will be molested for the regular taxes, they will tremble at the appearance of the collector . . . they will begin to dread the demand notices for which formerly they were feared.'<sup>92</sup>

That the imperial government was in the long run only very partially successful in maintaining the curial class is evident. The constant reiteration of the laws shows that they were only spasmodically enforced and constantly evaded, and from time to time the government admitted the fact by condoning wholesale past breaches of the regulations. The emperors constantly lament the diminishing wealth and numbers of the councils, and by 536 Justinian could say: 'If one counts the city councils of our empire one will find them very small, some well off neither in numbers nor in wealth, some perhaps with a few members, but none with any wealth.'<sup>93</sup>

Even at this date the statement was probably somewhat exaggerated. In the middle of the fifth century we happen to hear of Valerian of Emesa, who was evidently a very wealthy man to be able to buy an illustrious office in defiance of a law issued less than five years earlier, to maintain the private army of barbarian slaves with which he carried out his escapade, and to secure virtual pardon for his outrageous conduct. Leo expressly exempted from their curial origin Dorotheus, a senator of illustrious rank, and Irenaeus, a tribune and notary of *spectabilis* grade, though the latter had been born before his father had held illustrious office; both were claimed by the council of Antioch because their mothers were daughters of Antiochene *curiales*, and Antioch possessed the peculiar privilege that curial obligations passed through the female as well as the male line. Leo again exempted Doctitius, a young *clarissimus*, whose father had held illustrious office. Zeno would not have ruled that *curiales* who held the illustrious offices of *magister officiorum*, *quaestor*, *comes largitionum*, *comes rei privatae* or *comes domesticorum* should no longer secure exemption for themselves or for their sons, and moreover have made the law retrospective to the beginning of his reign, unless a substantial number of decurions had been profiting from this exemption. Nor would Anastasius have regarded as inequitable the clause of this law which made it retrospective, unless a certain number of persons had been adversely affected. Some of these men may have risen by

ability from humble curial families, but it is more likely that the majority were men of considerable fortunes. It is even more significant that Justinian in 538 had to re-enact that while honorary codicils of the praetorian or urban prefecture or the mastership of the soldiers made *curiales* members of the senate they did not free them from their curial status: it is evident that decurions were still obtaining these illustrious titles, which were certainly not given to poor men.<sup>94</sup>

From Justinian's day we also have a story retailed by Procopius in the Secret History. Anatolius, a leading decurion of Ascalon, had an only daughter. She was evidently a considerable heiress, as she married one Mamilianus, from one of the best (evidently senatorial) families in Caesarea; but when her father died Mamilianus was disappointed, for by the law of 536 she had to surrender not one quarter but three quarters of her fortune to the council of Ascalon. When she was eventually left a childless widow and an old woman, Justinian confiscated her fortune, allowing her an annuity of 365 solidi. If this was, as Procopius regards it, an insulting pittance, enough to save her from begging in the streets, her fortune must have been very considerable, but we unfortunately do not know how much of it came from her late husband, and how much was the surviving quarter of Anatolius's curial estate.<sup>95</sup>

Broadly speaking, however, Justinian's analysis seems to have been correct. It was the rich curial families which were most successful in escaping their obligations, as was only natural, since they had the influence and the connections and the money whether to evade the laws or to exploit the legal opportunities for promotion. This is what the emphasis of the imperial legislation suggests, and what Libanius confirms. His complaints are all of men who have obtained seats on the senate, or posts in the most select services, such as the *agentes in rebus*, or commissions in the army, and the individual cases which he cites are of decurions who have become provincial governors and even proconsuls of Asia. He inveighs bitterly against parents who send their sons to Berytus and even to Rome to study Latin and law. They did not incur this heavy expense, he remarks, merely to improve their sons' general culture; Latin and law were of little use to an Antiochene decurion, but indispensable for an ambitious barrister who aspired to a governorship.<sup>96</sup>

By the sixth century the order can have contained very few wealthy men. The humble classes of decurions did their best to emulate their rich colleagues, but the avenues of escape open to them offered less security. Many, despite the periodic roundups, must have made good their escape into the civil service, the army

and the church, but there still remained, as Justinian admits, a fair number of decurions of modest means in some at any rate of the city councils in his day.

The reasons for the government's very moderate success in maintaining the curial order are well analysed by Libanius in two speeches or pamphlets, one addressed to the council of Antioch, the other to Theodosius I, and his analysis is borne out by casual allusions in the Codes. There was in effect a tacit conspiracy among all the parties concerned to evade the laws. The great magnates liked to oblige their curial friends and clients, either gratis or more usually for a substantial consideration. Bishops would consecrate or ordain decurions, whether because they thought them the best candidates, or to oblige a friend, or, like Antoninus, metropolitan of Ephesus, for cash down. The clerks in the *sacra scrinia* were only too willing to turn a dishonest penny by making out the requisite codicils for prospective senators, or *probatoriae* for would-be civil servants.<sup>97</sup>

What is more surprising, the councils were very slack in preventing their members from leaving them, and inactive in reclaiming them when gone, so much so that the government had to threaten them with fines if they failed to assert their rights. Libanius cites two recent cases from Antioch itself to prove his point. One decurion had left the town when actually nominated to celebrate games. The council were loud in indignation and vented their wrath on his unfortunate surety, who had to bear his burden. The culprit meanwhile had sold his ancestral estates and with the proceeds bought a high office. Out of its profits he later bought back his estates and added to them, and when he returned a great man, not a word was said to the emperor or the praetorian prefect. Another decurion had slipped away by sea from Seleucia, fearing that he might be recalled if he took the slow land journey. He had become proconsul of Asia, and when he returned a senator, was welcomed effusively: no legal proceedings were taken against him either.

According to Libanius the councils alleged two excuses for their inaction. It was wasted labour to institute proceedings against influential truants, as they would inevitably make good their escape sooner or later. And secondly it was dangerous to do so, and thus incur the enmity of the parties themselves and of their patrons. Libanius admits that there was some truth in both pleas, but asserts that the real motives of the surviving councillors were less reputable. There was, he declares, outright corruption: 'the decurions of Apamea have granted—the word is more polite than sold—many such favours'. But more potent than cash was



the hope of reciprocal help. If the council, or rather the leading councillors who controlled it, connived at the promotion of a colleague, that colleague, now become a senator or high official, might be expected to lend them a helping hand when they tried to follow in his footsteps. And even if they stayed on the council, the last thing that they desired was the return of wealthier colleagues. As a result of the migration of these colleagues to a higher sphere, they were now the leading members of the council, able to share out the perquisites among themselves and to oppress their humble colleagues. They could always pitch a piteous tale to the provincial governor and get him to authorise the reduction of civic expenditure, in view of their low numbers and modest means, and they could then arrange that the expenditure did not fall on themselves.<sup>98</sup>

The *curiales* have come in for a great deal of commiseration. That they regarded their lot as hard is fairly certain; at any rate we never hear of a contented decurion. Their ancestors had regarded it as a distinction to serve on the council and a matter of pride to spend lavishly on their cities' games and public buildings, and had taken in their stride the less attractive duties which the imperial government had laid upon them. The spirit of civic patriotism was not, it is true, utterly dead. From Libanius' speeches and letters it can be seen that among the decurions of Antioch there were a few who still in the late fourth century took a pride in giving magnificent games. But even the most generous shunned the status of a *curialis*. A law of 413 reveals that in Illyricum there were persons exempt from the *curia* who were willing to hold expensive magistracies if they did not thereby forfeit their exempt status and become with their descendants *curiales*. The emperor, to encourage such public spirit, enacted that, for the prefecture of Illyricum only, the rule whereby anyone who held a magistracy automatically became a decurion should be relaxed. In 465 Leo extended this principle to the whole empire, and added that if such volunteers undertook all the regular offices they might be rewarded, if they so desired, with the post of *pater civitatis* (that is *curator civitatis*), without prejudice to the exemption of their descendants. A law of Justinian envisages exempt persons voluntarily becoming decurions, and provides that their property and descendants should not thereby become liable to curial charges after their decease.<sup>99</sup>

These were, however, obviously exceptional cases. Most people felt no pride in being members of the city council when everyone with the requisite minimum of property was being forced to join, and when all persons of consequence were acquiring equestrian and later senatorial rank. The expenditure which had

been either gladly undertaken or at least accepted as a matter of *noblesse oblige* came to be regarded as an imposition. The demands of the imperial government loomed larger, as levies and taxes increased and became more and more difficult to collect. As time went on, and most wealthy decurions rose to the higher ranks of society, the remainder were not only more hardly pressed but sank yet further in social esteem, so that even their legal privileges were overridden with impunity.

This much is true, but it may be doubted whether the financial burdens which fell on the *curiales* were as overwhelming as they complained. These fell into two classes, the civic charges proper, such as the games, and the underwriting of the imperial taxes. The former have been already described: it may suffice here to say that we know of only one decurion who was ruined by them, one Julian of Antioch, who 'was one of those who undertook the heavy charge of providing chariots for the races and sold the one estate he had and brought his father, an old man who had reached his hundredth year, to unending grief'. On the latter it is difficult to generalise. In special circumstances the taxes might be so heavy that the curial collectors could not extract the full sum and had to make it up from their own capital resources. Libanius laments that the long Persian war under Constantius II 'ruined the councils, bringing them year by year to a worse state, as the councillors were despatched to the Tigris and owing to their losses there had to sell their ancestral estates'. Theodoret, protesting against the overassessment of his native city of Cyrrhus, appeals to the praetorian prefect 'to spare the wretched taxpayers, and spare the thrice wretched decurions who are being dunned for what they cannot collect'. Libanius again paints an imaginary picture of the curial tax collector whom a village under the patronage of the *dux* defies, and who is consequently sold up and struck off the list of the council. But except in such abnormal circumstances—the pressure of special wartime levies, the grossly exaggerated assessment of a city, or organised rebellion of the peasant taxpayers—it may be doubted whether the *curiales* had often to make up deficits from their property. The government was slow to exercise its powers of distraint. Arrears were allowed to drag on for many years, and at fairly regular intervals were written off by a general remission.<sup>100</sup>

There is also another side to the picture. If the decurions were the helpless victims of the imperial bureaucracy, they in their turn were often as ruthless and extortionate to the commoner citizens under their sway. Salvian's famous dictum, 'what cities are there, and not only cities but even towns and villages, in which the

*curiales* are not so many tyrants?' is borne out not only by the illustrations which he gives but by other independent evidence. Constantine ordered that the assessment of extraordinary levies should not be left to the *principales* of the council but worked out in detail by the governor so that the burden should fall first on the rich and then on the medium and small landowners. Theodosius enacted that *exactores* should be elected by the councils annually or at least biennially, and not by continuous office have 'uninterrupted power to harass the provincials with the tyranny of their extortions'. Cassiodorus, in an edict guaranteeing the *curiales* protection against the imperial bureaucracy, warns them in their turn to refrain from oppressing their inferiors, and in his letter authorising the resignation of the sons of Agenantia from the *curia*, comments that they will now be the victims of the troubles they used to inflict. Justinian, as we have seen, held that decurions, 'being bred in harsh extortions', were as a class unfit for holy orders and 'preaching about loving kindness and contempt for wealth'.<sup>101</sup>

The evidence so far cited, though suggestive, is far from conclusive. But the whole history of the curial order proves that its members cannot have been so heavily burdened as to force them to draw substantially on their capital. The order was from the middle of the fourth century virtually a closed class, which received few new recruits, but suffered a continuous drain, mainly of its richest members. The decurions who remained on the council had little opportunity of making money—except by extortion and speculation in the course of their curial duties; they were landowners who lived on their rents. They were certainly a much poorer class in the sixth century than they had been in the third, but they still subsisted in sufficient numbers and commanded enough wealth to carry out their functions. This can only mean that even the dwindling remnant of poorer decurions who remained on the register did not have to eat into their capital to meet their obligations.

As the councils lost their richest and most enterprising members, as their revenues were curtailed, and as civic patriotism decayed, the cities lost initiative and vitality. Whether through genuine poverty or through lack of public spirit the councils became increasingly reluctant to undertake any action which would involve expense. This encouraged growing interference in civic affairs by the provincial governors. Such interference was most marked in the capitals of provinces, where the governor normally resided and

where he was particularly anxious to make himself popular—not always, Libanius regrets, with the council, but with the commons, whose acclamations in the theatre might be reported to the emperor. But it also applied to the lesser cities, often to their disadvantage, as when a governor transferred to the capital games prepared at the expense of another city, or utilised for its decoration columns and marbles taken from a small town.<sup>102</sup>

Interference was common in most spheres of civic life. In famines at Antioch it was generally the governor who took action. Provincial governors are warned in a constitution of 409 not to ruin the *curiales* by insisting on extravagant expenditure on games. But it was in public works that the interference of governors was most marked. In the title of the Theodosian Code *de operis publicis* it is almost always assumed that the provincial governor is responsible, and the building inscriptions tell the same tale—it is no longer the council and people who erect and repair buildings but the governor, and the *curator* of the city appears only as his agent. Since governors wished to leave some tangible memorial of themselves, they were too apt to start new buildings instead of repairing old, and the imperial government had to issue a constant stream of constitutions ordering repairs to take priority over new works. Since the governor had to use the civic revenues for his works, supplemented if need be by special levies—he was strictly forbidden to touch imperial revenue—he acquired an overriding control over civic finance, and, it would appear, frequently used it to his profit.<sup>103</sup>

This decay in local autonomy was encouraged by the fact that the official representatives of the city, the councillors, were no longer the richest and most influential persons in the city, who had mostly acquired some higher rank which absolved them from the *curia*, but men of modest means who could not stand up to the governor. The imperial government evidently viewed these developments with some apprehension as exposing the cities to unrestrained oppression and extortion, and took measures to check them. In the Western empire as early as 409 the election of the *defensor civitatis*, who was supposed to be the protector of the citizens against official oppression, was transferred from the *curia* to a new assembly consisting of the bishop and clergy, the principal landowners and the decurions. In the Eastern empire, where probably the cities retained more vitality, this step was not taken till nearly a century later, by Anastasius in 505. Anastasius also gave to the bishop and clergy and principal landowners (decurions are not mentioned as such) the duty of electing a corn-buyer in time of need. It was probably he also who transferred to

the same body the election of the *curator*, or, as he was now called, *pater civitatis*.<sup>104</sup>

These steps were evidently intended to strengthen the authority of the important civic magistrates and secure that more influential men were appointed, instead of nominees of the governor, as had been too often the case. According to Justinian they were a failure, and men of no weight continued to be elected as *defensores*. His solution was to compel all residents of substance, however high their rank, to hold the office in rotation, on the nomination as hitherto of the bishop, clergy and principal landowners. It is not known how far this reform was successful, but by this time local autonomy was at a very low ebb. Justinian had regularly to admonish his governors against appointing deputies (*loci servatores*, *τοποτηρηταί*) to govern the several cities. The practice is attested by an official building inscription of 533 at Gerasa of Arabia, dated by the *dux et praeses* and his deputy, who is an *agens in rebus*.<sup>105</sup>

Particular efforts were made to free civic finance from the control of the provincial governor. Zeno ordered that the civic revenues should be paid intact to the *curator civitatis*, and be administered by him. Anastasius by the institution of *vindices* imposed central control over the collection of the imperial revenue in each city, and these powerful officers appear to have taken over the management of the civic revenue as well; Justinian in Edict XIII cites a document drawn up in the reign of Anastasius and the prefecture of Marinus by Potamo, *vindex* of Alexandria, allocating the revenue of that city derived from an export tax to various civic needs such as the baths. Justinian in the mandates to provincial governors, issued early in his reign, instructs them to keep the buildings of the cities in repair and maintain their corn supply, using the civic revenues for these purposes. He later (in 545) reversed this policy, returning to Zeno's rule, but how successfully he enforced it is unknown. Another abuse which he endeavoured to check was the practice of the praetorian prefecture of sending out special commissioners to the provinces to audit the expenditure of civic revenues on public works. This was merely an excuse for speculation and extortion, and Justinian empowered the cities to refuse admission to such auditors until their commissions had been verified and confirmed by himself.<sup>106</sup>

What had happened in the meanwhile to the city councils is not very clear. John Lydus, who was born in 490, writing in the 550s remarks apropos of the wearing of the toga: 'I myself remember that this custom prevailed in the provinces too, when the councils used to administer the cities.' Evagrius, writing in the 590s, after

describing the institution of the *vindices* by Anastasius, states: 'As a result the revenues were to a great extent ruined, and the prosperity of the cities was destroyed. For in old days the nobles were enrolled on the registers of the cities, each city having the members of the council like a kind of senate.' These passages imply that in the East the city councils ceased to exist after Anastasius' reign. The curial order on the other hand certainly continued to exist, as Justinian's meticulous legislation about it proves, and decurions still did their share in collecting the imperial revenues. It may be taken as certain that a roll of decurions was still maintained, and that they were still called upon to perform their liturgies for the state, and no doubt for their own cities also. But the direction of affairs had passed to officers elected by the bishop, clergy and greater landowners, or nominated by the provincial governor or the central government; and in these circumstances the council doubtless met only for formal sessions.<sup>107</sup>

How insignificant the councillors had become by the middle of the sixth century is strikingly evidenced by the minutes of the Council of Mopsuestia, held in 550. The object was to discover if the name of Theodore of Mopsuestia had ever been entered on the diptychs, and for this purpose the keeper of the church archives and sixteen of the oldest clergy, and the *pater civitatis* and sixteen of the oldest prominent laymen were summoned to testify. The *pater civitatis* was an *agens in rebus*, not even a citizen of the town. Of the sixteen notables four do not give their status, and of the remaining twelve two are *comites*, one a *palatinus*, one an *agens in rebus*, three *praefectiani*, two *tabularii*, one an architect and one a manufacturer of beds. Only one member of the council appears, a *principalis*. Even in this obscure Cilician town the local notables mostly held posts (no doubt sinecures) in the imperial civil service.<sup>108</sup>

The ultimate fate of the city councils in the West is as obscure. Juridically their position was better since Anastasius' legislation did not apply in the West until Justinian's reconquest of Africa and Italy, and then only in those areas. The councils should therefore have continued to elect the *curator civitatis* and the other magistrates, with the exception of the *defensor*. In the barbarian kingdoms their powers were reduced by the authority of the *comes civitatis*, originally a military governor appointed by the king, who steadily encroached on their functions. Nor were things very different after the reconquest in Italy, where, owing to the constant menace of the Lombards, the local garrison commander, the *tribunus* or *comes civitatis*, became *de facto* the governor of the city.<sup>109</sup>

In the West as in the East decurions remained important to the

government as tax collectors. Cassiodorus' *Variae* prove that they still fulfilled this function in the Ostrogothic kingdom, and at the end of the sixth century Gregory the Great warned Januarius, bishop of Caralis, not to ordain anyone liable to the *curia*, 'in case he should be compelled after ordination to return to the collection of the public taxes'. There is no evidence for Vandal Africa or Merovingian Gaul, but in the Visigothic kingdom the preservation of the laws on decurions in the Breviarium of Alaric, drawn up in 506, and the full interpretations appended to these laws, show that the curial order still played a vital role in the administration.<sup>110</sup>

We have moreover from the West what is lacking in the East, positive evidence that the city councils continued to hold sessions down to the first quarter of the seventh century. One of the minor functions of the *curia* was to prove wills, register transfers of real property, approve the appointment of guardians, and perform similar quasi-judicial functions. The heir appeared before the *curia*, produced the will and the witnesses, the witnesses were asked to verify their seals and signatures; and the will was then publicly opened and read. In the case of conveyances of land the purchaser produced the deeds, which were read; the *curia* sent representatives to the vendor to verify that he acknowledged the transaction; it then sent representatives to witness the formal *translatio* of the land on the spot; and finally it ordered the necessary alterations in the polyptychs, the tax registers. All these proceedings were fully minuted, and a certified copy of the minutes issued to the interested parties.

A considerable number of these certified copies have been preserved in Italian ecclesiastical archives. They range in date from 489 to 625. Most record proceedings before the *curia* of Ravenna, but there are two which belong to Reate and Syracuse. They name the two *magistratus* or *quinquennales* who presided and a small group of *principales* who attended. These proceedings are, it is true, purely formal, but they attest not only that the *curiae* still held regular sessions in the early seventh century, but that there were still annually elected *duoviri*, as there had been for seven hundred years or more—a striking testimony to Roman conservatism in matters of form. These ceremonies long continued to be observed in the barbarian kingdoms also. Not only are curial proceedings included in the collections of notarial *formulae* of the sixth, seventh and eighth centuries which survive from Visigothic Spain and a number of Gallic cities. Bishop Bertram of Cenomani, who made his will in 615, directed that when it should be opened his executor 'ipso prosequente gestis municipalibus secundum legem faciat allegari, quo semper firmiter perduret'.<sup>111</sup>

The constitutional decline of the cities as autonomous communities does not necessarily imply that they decayed as centres of population. In the West there is evidence that they began to decay as early as the last quarter of the fourth century. In 395 Honorius, observing that powerful persons, that is great landlords, were giving asylum to both *curiales* and *collegiati*, directed the praetorian prefect of Italy to secure their return to their cities and to fine recalcitrant landlords 5 lb. gold for every *curialis* and 1 lb. gold for every *collegiatus* he failed to surrender. In 397 he ordered provincial governors in Italy to recover for their towns *collegiati* who had absconded, together with their offspring. In 400, writing to the praetorian prefect of the Gauls, he declared: 'The cities deprived of their services have lost the splendour with which they once had shone, seeing that large numbers of *collegiati* have abandoned urban civilisation and taken to a rustic life'. He ordered that they be hunted down and recalled, and their children (if born within the last forty years) divided between their cities and the landlords of the peasant women whom they had married. A number of contemporary laws also order (for the first time) that *collegiati*, as well as *curiales*, should be combed out of the civil service and the army and restored to their towns: Valentinian III further forbade the ordination of *collegiati* in 452. Majorian in 458 ordered a regular round-up of both *curiales* and *collegiati*, with their offspring, from the estates of the great landlords. Several of these laws were incorporated in the Visigothic Breviarium and Theoderic included a rule to the same effect in his Edict.<sup>112</sup>

This massive emigration of urban craftsmen into the countryside, where they settled down as tenant farmers and married peasant women, is an unusual phenomenon. It implies that many craftsmen could no longer make a living in the towns. The reason is probably to be found in the disappearance of the urban gentry on whose custom they had hitherto mainly depended. Italy and Gaul, where the decay of the towns is best attested, were also the areas where the great landlords held the largest estates, and these landlords had never been addicted to small town life: they lived partly in Rome or one of the big cities, partly in their rural villas. It was the medium landlords who had formed the resident aristocracies of the smaller cities. During the fourth and fifth centuries many decurions sold, gave or bequeathed their estates to senators; others, who prospered, became senators themselves and, being no longer obliged to live in town, retired to their country villas. With only the bishop and his clergy and the few surviving decurions to serve, the craftsmen and shopkeepers naturally found their business declining, and had to seek their livelihood in the country.



It is noteworthy that no similar laws were issued by the emperors of the East, and that Justinian did not include any of these Western laws in his Code. It would seem that in the Eastern parts no migration of urban craftsmen to the country took place. The cities apparently continued to prosper economically, and the guilds maintained their membership without any need for governmental action. The archeological evidence supports this conclusion and even suggests a revival of the towns in the fifth and sixth centuries. To take one instance, Gerasa, a largish city of Arabia, which had flourished greatly in the second century A.D. evidently fell on evil days in the third and shows little or no sign of revival in the fourth or early fifth. But from the latter part of the fifth century a dozen churches, many of them of some architectural pretensions, were erected and several public buildings repaired or re-erected: this activity went on uninterrupted down to the Arab conquest, the last church being dedicated under Phocas.<sup>113</sup>

The reason is again probably to be found in the social structure and habits of the aristocracy. Landed property was probably more evenly distributed in the East, and there was a large number of medium landlords. The habit of urban life was moreover more deeply rooted in the East. Country villas are not much in evidence, and even the greater landlords preferred to live in towns. Thus even though the *curiales* shrank in numbers and declined in average wealth, the cities continued to be the homes of the local landowners who provided a market for the urban craftsmen and shopkeepers.

Cities could communicate directly with the central government by sending a delegation to the *comitatus*, and we know of many cases when they did so. In 416 it would appear that the emperor had been pestered by delegations from Alexandria, for he ordered that the council must submit its petitions first to the Augustal prefect, who would decide whether they merited the dispatch of delegates to Constantinople. More generally, however, the cities voiced their grievances and made their requests through their provincial assembly, the *concilium provinciae*. These assemblies, some of which were very old, dating back to the Republic and even to before Roman rule, had become general throughout the empire under the Principate. They consisted of delegates from the cities of the province, and their main ostensible business was to conduct the official provincial cult of Rome and Augustus, electing a high priest of the province (*sacerdos provinciae*), who in the East usually bore a title of the form Asiarch or Syriarch, and celebrating games

in honour of the emperor. The assembly naturally also debated questions of common interest, and came fairly regularly to pass votes of thanks to satisfactory governors and to promote the prosecution at Rome of those accused of oppression or extortion: they also sent delegations to the emperor to present petitions.<sup>114</sup>

The assemblies continued under Diocletian, being adapted to his new provincial organisation, and despite their association with the pagan worship of the emperor they survived Constantine. The worship of the emperor had never possessed much religious content, being in essence an expression of loyalty to the empire and its ruler, and even under Diocletian some Christians had apparently felt no scruples in serving as provincial high priests: the council of Illiberis dealt very mildly with such offenders. Constantine thus found little difficulty in allowing the institution to survive after eliminating the pagan acts of worship involved. We possess a letter which he wrote to the cities of Umbria, who had asked for leave to secede from the *concilium* of the province of Tuscia et Umbria, which held its meeting at Volsinii in Tuscia, and to form a separate *concilium* meeting at Hispellum. Constantine acceded to their request not only to elect their own *sacerdos*, who was to give theatrical games and a gladiatorial show, but also to build at Hispellum a *templum Flaviae gentis*, 'provided that the temple dedicated to our name shall not be polluted by the deceptions of any contagious superstition'.<sup>115</sup>

One of the main functions of the *concilium* continued throughout the later empire to be the election of the provincial *sacerdos* (or Asiarch, Phoenicarch, Syriarch or what not), who gave games of particular magnificence at the metropolis of the province: such games were expressly excluded from the law of 409 limiting expenditure on civic games. It appears that in some provinces, at any rate, the *sacerdos* received a customary subvention from the imperial government, that in others there were endowments in land, and in some again a general levy was made on the province to assist in the expenses; it is not known what classes paid except that senators were excused from contributions to the Syriarchy in 393. Despite these aids the provincial high priesthood remained a very heavy burden and there was difficulty at times in filling it. Hymetius, governor of Africa in 366-7, was praised by the province 'because he revived enthusiasm for the high priesthood of the province so that what was formerly an object of terror is now the subject of competition'.<sup>116</sup>

The office was in principle voluntary, but governors had to be warned from time to time not to exercise compulsion. It had its compensations, however. Its holders bore for life the honourable

title of *sacerdotes*, were exempt from curial duties, and in some provinces at any rate received an imperial rank, in Africa (in 371) that of *ex comitibus*, in Asia (in 385) that of senators. The high priests were normally drawn from the decurions of the province: Constantius' ruling in 358 that they were to be chosen in Africa exclusively from advocates (who were, as he points out, mostly liable to curial duties) seems to be exceptional. They commonly came from the metropolis, where the games were held and where decurions were normally the richest: to ease the burden Valens in 375 ruled that in Asia the games should be held in rotation in the four cities which had the title of metropolis. He also welcomed candidatures from minor cities, stipulating only that the *sacerdos* must not be transferred permanently from his own *curia* to that of the metropolis. Other laws forbid the migration of *sacerdotes* to the provincial capital, and it would seem that ambitious *curiales* of minor towns often tried to improve their social status in this way. Ultimately the provincial high priesthood seems to have become too heavy a burden for the impoverished *curiales*. Leo ordered that at Antioch the consular of the province should henceforth celebrate the Syriarchic games, using the revenues assigned for the purpose (presumably the customary imperial subvention, endowments and levy on landowners already mentioned), and that *curiales* might not even volunteer for the post.<sup>117</sup>

The provincial assemblies regularly discussed matters of public interest, passed resolutions on them, and sent delegations to the emperor to present these resolutions and plead their cause. For these purposes larger gatherings, covering an entire diocese, were also occasionally held, and in some areas these diocesan assemblies became a standing institution. The grievances thus ventilated might include misconduct by imperial officials or the excessive burden of taxation; we know of several cases where large remissions were made on the instance of a provincial or diocesan delegation. The assemblies were, however, too often prone to petition the emperor frivolously on points of minor importance, and the emperors were torn between their desire to give the provincials full and unfettered liberty to report genuine grievances and their irritation at having their time wasted by frivolous petitions. The question of expense was also serious, for the *cursus publicus* was usually put at the disposal of delegations. The rules on delegations varied. Sometimes provincial governors were warned that they must place no obstacles to free debate and to the despatch of envoys. At others they were instructed to examine the resolutions of the assembly, and to authorise a delegation only if the matters in question were important. Delegations were always referred in the first instance to the

praetorian prefect. He was sometimes authorised to settle minor matters himself and refer to the emperor only those issues on which he felt incompetent to decide. At other times the prefect was instructed to investigate the issues and to brief the emperor, but to leave the final decision to him in all cases.<sup>118</sup>

Attendance at the assemblies was obligatory. Their composition had changed somewhat since the Principate. The *honorati* of the province, that is senators, *comites* and other members of the imperial aristocracy, were expected to attend, except for those of the highest rank, *praefectorii*. These might send attorneys or alternatively the assembly was ordered to consult them individually in their homes. In a constitution dated 418, in which he approved the creation by Agricola, praetorian prefect of the Gauls, of a regular diocesan assembly of the Seven Provinces at Arles, Honorius specified that the governors of the provinces, the *honorati* and the *possessores* must attend, and imposed a fine of 3 lb. gold on *honorati* or *curiales* who failed to present themselves. It is difficult to believe that every *curialis* in the Seven Provinces had to make the journey to Arles every year, and stay there a month (the meeting lasted from the Ides of August to those of September), and it may be conjectured that only selected *curiales* or *possessores* were sent by their cities.<sup>119</sup>

By the sixth century the provincial assembly had come to include the bishops, and the *curiales*, as such, had dropped out. After the reconquest of Italy Justinian gave to provincial assemblies, thus constituted of bishops and *possessores* or principal landowners, the remarkable privilege of nominating for imperial appointment the governor of the province. This measure was extended to the whole empire by Justin II. It was, he explains, designed to cut at the root of the ineradicable evil of the times, the purchase of governorships at high prices and the extortion to which this gave rise, and the emperor expresses the hope that henceforth the revenues will be promptly and fully paid. After these pious professions he announces that having given the provincials the power of choosing honest governors, he will in future entertain no complaints from them of oppression or extortion. This belated experiment in limited self-government did not last long. Only five years later Tiberius Constantine, in a law once again abolishing the purchase of governorships, makes no mention of any election by the provincial council.<sup>120</sup>

## CHAPTER XX

### THE LAND

NO changes in agricultural methods are recorded under the Roman empire. Palladius, who wrote an agricultural manual in the fourth century, lays down the same rules as had Columella in the first. The peasants followed their traditional routine from generation to generation. The main arable crop was wheat, but barley was also grown, more for animal feed than for human consumption: in Egypt and northern Gaul and Illyricum it was brewed into beer, which was the staple drink of the lower classes in those regions. Beans were also a common crop, and flax was extensively grown, especially in the Eastern provinces, for the production of linen. We know little of the technique of arable farming save in the Mediterranean lands, to which the agricultural manuals mainly refer and from which most of our documentary evidence comes. Here, owing to the inadequate rainfall, a laborious technique of dry-farming had to be followed. The land was cropped in alternate years, and frequent ploughing and hoeing was required to break up the soil and keep down weeds and thus conserve moisture. Egypt was an exception: here the inundated land, which was watered and refertilised by the annual flood of the Nile, was cropped every year.<sup>1</sup>

The average yield was low by modern standards. In Egypt it was apparently customary to sow one *artaba* ( $3\frac{1}{3}$  *modii*) to the *arura* ( $\frac{2}{3}$  acre), and from the scanty evidence it would seem that a tenfold return was normal on good land. This evidence squares with that provided by leases. If land was let on a share of the crop, the tenant and the landlord almost always went fifty-fifty in leases of arable land. If the rent was paid in kind, it was usually five *artabae* to the *arura* or thereabouts. Outside Egypt it was usual to sow more thickly. In Italy Columella recommends 4 *modii* to the *iugerum* ( $\frac{5}{8}$  acre) on heavier soils, and 5 on lighter; Palladius prefers 5 to 6. On earlier evidence 6 *modii* to the *iugerum* (nearly twice the Egyptian norm) was the rule in Sicily and in Cyrenaica. We have no data for yields save for much earlier periods. According to

Cicero an eightfold yield was normal in Sicily, a tenfold exceptional. Columella in a pessimistic passage declares that he can scarcely remember when in the greater part of Italy corn yielded fourfold. On Cicero's figures the return in Sicily per acre sown would have been 75 per cent. higher than in Egypt, but in Sicily the land was cropped only every other year. If Columella's statement is to be taken seriously Italian land yielded in alternate years only about two-thirds of what Egyptian land produced every year.<sup>2</sup>

Vines and olives were extensively grown wherever the climate permitted. Wine was the staple drink of all classes in the Mediterranean lands (except Egypt), and was everywhere drunk by the well-to-do. Olive oil was universally used in cooking, and for lighting and for soap. Vines were cultivated not only in the Mediterranean lands but in northern Gaul as far as the valleys of the Seine and the Moselle. Olives were confined to the Mediterranean basin, but were increasingly planted in desert areas, such as eastern Syria, which had hitherto been unproductive. Viticulture was far more profitable than arable farming. In the assessment of land for taxation in Syria 5 *iugera* of vineyard were equated with 20 *iugera* of the best arable. In Egyptian leases the tenant of a vineyard paid two-thirds or even three-quarters of the produce to the landlord. Olives were even more profitable: a little over one *iugerum* planted with mature olive trees was in Syria assessed as equivalent to 5 *iugera* of vineyard or 20 *iugera* of best arable. Various fruit and nut trees—date palms, figs, apples, almonds and pistachios—were also grown and apparently yielded a high profit.<sup>3</sup>

Cattle, sheep, goats and pigs were raised throughout the empire. The cattle were mainly draught animals, for oxen were universally used for ploughing and hauling wagons, but also provided meat and milk, while their hides were valuable for leather. Sheep were mainly raised for their wool, goats mainly for their meat and milk. The animal which provided the greatest part of the meat supply was, however, the pig; pork and, in the winter, ham or bacon was the normal ration of the troops, pork alone was issued to the Roman people. Horses were also reared for the army, the public post and the races and for private use, mules and donkeys for riding and as pack animals. In the Arabian and African deserts camels were bred: they were commonly used as pack animals in many parts of the empire.

We know very little of the organisation of stock farming. There were areas which were noted for the animals which they produced. Spanish and Cappadocian horses were famous, and the wool of certain districts, northern Gaul, Apulia, Phrygia and Asturia, fetched high prices. Here there was probably large-scale production on common pastures or on big ranches; we know of a famous

imperial stud farm, the Villa Palmati, in Cappadocia, which produced race-horses of high repute. The estates of the Roman church in Sicily evidently included extensive ranches. Gregory the Great found that they were very unprofitable: 'it is very hard', he wrote to the rector of the Sicilian patrimony, 'that we spend 60 solidi a year on our herdsmen, and do not get 60 denarii out of the lands'. He accordingly ordered that all barren cows and useless bulls should be sold off, and all the mares except 400, which were to be hired to the *conductores* of the agricultural estates, while the herdsmen were to be given work as cultivators. We hear also of dairy farming on a smaller scale. In the Saltus Erudianus in the territory of Patavium two out of the ten holdings are described as water meadows (*paludes*) and were evidently let to dairy farmers, for the tenants in addition to their money rent pay a perquisite of milk, and nothing else. But to judge by the perquisites (*xenia*) commonly paid by the tenants of arable holdings in Italy and in Egypt, most small farmers kept pigs, geese and hens. Many small farmers also seem to have kept a cow and a few sheep and goats. Most moreover kept bees; honey often figures among the *xenia*. It was probably from such small-scale mixed farming that the empire drew much of its meat, milk and cheese, and most of its eggs, poultry and honey, all important items in its food supply: in the absence of sugar honey was greatly in demand.<sup>4</sup>

The paramount importance of agriculture in the economy of the empire can scarcely be exaggerated. In taxes it provided the vast bulk of the revenue of the state. The most important of the financial ministries, the praetorian prefecture, which supplied all the major needs of the administration, relied entirely on a land tax, which was exclusively assessed on agricultural land, farm stock and the rural population. The much less important department of the *sacrae largitiones* drew much of its revenue from levies, such as the *vestis*, assessed on the same basis, and upon special taxes, such as the *aurum oblativum* and *coronarium*, paid by the main landowning classes, senators and decurions. The third financial department, the *res privata*, was fed by the rents of imperial lands. The only taxes not levied on agriculture were the customs and tolls (*vectigalia*), the sales tax (*siliquaticum*) instituted by Valentinian III in the West, and the *collatio lustralis*. The first two bore on all consumers alike: only the last was assessed directly on trade and industry, and it produced a negligible amount of revenue, and was abolished without difficulty by Anastasius.<sup>5</sup>

By far the greatest part of the national income of the Roman empire was, so far as we can estimate, derived from agriculture. Rents formed a major part of the endowments of such corporations as the cities and the churches, and of the incomes of the rentier classes, the senatorial and curial orders, and they also contributed to the incomes of the professional classes. These rents did not all arise from agricultural land, but the proportion which came from urban property was very small. There are in the *Liber Pontificalis* lists of properties, with their rental value, presented by Constantine and others to eighteen churches in Rome and Italy. The rents total more than 37,000 solidi a year, and were from upwards of 160 named properties, enough to make a fair sample. Nearly 90 per cent. of the whole rent roll comes from agricultural land, and little more than 10 per cent. from urban property of all kinds, houses, gardens, warehouses, baths and bakeries.<sup>6</sup>

The corporate revenues of the cities arose partly from dues and tolls (*vectigalia*) but mainly from their public lands. The churches drew part of their income from offerings (*oblaciones*), but became increasingly dependent on the rents of land given or bequeathed to them by benefactors: the offerings, too, were mostly derived in the form of first-fruits from agriculture.<sup>7</sup>

The vast incomes of the Roman senatorial families, we are told by Olympiodorus, were derived from their estates, and all our other evidence bears this statement out. Those senators, it is true, who took an active part in the administration augmented their unearned incomes with their salaries and with the perquisites of office, and new men who rose into the order made their fortunes by such means. But they invested their profits in land, and increased their estates by grants of land from the crown, and their descendants became great landlords. Decurions were almost necessarily landlords, for a property qualification was required and it was only exceptionally that other forms of property than land were taken into consideration. Decurions sometimes increased their income by professional earnings, especially at the bar, or very occasionally by trade, but the great majority depended for the bulk of their income on agricultural rents.<sup>8</sup>

Many members of the professional classes were also landlords. Many of the privileges granted to higher civil servants, such as immunity from *extraordinaria* and *sordida munera*, presuppose that they owned land. Lower civil servants must also have often possessed substantial landed property. This is implied by the immunity from curial service accorded to the retired *cohortales* of Syria by Diocletian and confirmed by Valens, and by the special rule that in Osrhoene one son of each successive *princeps* of the provin-



cial *officium* was enrolled in the *curia* of Edessa. In the army too both officers and men are often recorded or implied to have had landed property. That barristers commonly owned land is implied by the privilege which *patroni fisci* obtained to continue to plead for their *coloni* after they had retired from practice. We know of professors and doctors who were landlords: Libanius complains of the defiant attitude of some of his tenants, and Flavius Phoebarnon, the public doctor of Antinoopolis, had inherited estates situated in two city territories from his father, who had also been a doctor. The immunity from curial service and from *sordida munera* accorded to all professors and doctors implies that these cases were typical.<sup>9</sup>

As early as the reign of Constantius II many of the clergy must have been landowners, for at the council of Ariminum they petitioned the emperor for immunity from land tax. He firmly rejected their plea: 'with regard to clerics who own estates', he wrote to the praetorian prefect, 'your sublime authority will not only prevent their excusing the acreage of other persons, but will cause them to be compelled to pay taxes for the estate which they themselves hold'. We know of several bishops who owned considerable estates, from Pope Damasus, who endowed the church which he built at Rome with two estates bringing in 120½ and 103 solidi a year, to Remigius, bishop of Rheims, whose detailed will we possess. We know too of lower clergy who owned smaller estates. Augustine, replying to critics who declared that some of his clergy had not sold all their goods and adopted a monastic life, according to the rule which he himself had instituted at Hippo, gives some interesting details. Valerius, a deacon, still held some 'little fields' (*agelli*) in common with his brother, a subdeacon at Milevis. Patricius, a subdeacon, held some 'tiny fields' (*agelluli*) in which his mother and sisters had an interest. Faustinus, another deacon, had property in common with a brother. The priest Leporius, who was of a good family, had sold his property, but another priest Barnabas still owned the Fundus Victorianensis, because he was paying off from its proceeds an old debt incurred before his ordination: as he could find no tenant who would pay more than 40 solidi in rent, he ran it by direct labour and sold the crops. At Ravenna in 540 a deacon of the Gothic church sold one-third of a *fundus* to another deacon for 133 solidi, and in 652 a subdeacon of the catholic church owned besides two houses, a bakery and a garden, a farm called the Fundus Carpinianus.<sup>10</sup>

The *navicularii* were by definition landowners; the government paid them freight but expected them to make up their losses and build and maintain their ships from their rents. We meet with

private traders and craftsmen who owned land. An early fourth century land register from Hermopolis records a number of urban workers—a builder, a potter, a fuller, three woolworkers, a money changer and a donkey man—as owning small parcels of land. Sixth-century deeds from Ravenna reveal a similar situation. In 504 Flavius Basilius, a silversmith (*argentarius*), sold a piece of land for eighteen solidi: in 541 Isaac, a soapmaker (*saponarius*), bought a share of a farm for twenty solidi: and in 572 Bonus, a breeches maker (*bracarius*), gave five-eighths of a farm to the Ravennate church.<sup>11</sup>

The Hermopolis land register mentioned above shows how many city dwellers owned land in Egypt in the early fourth century. It is a list of the landowners resident in the North Fort ward of Hermopolis and contains about 240 names: this implies nearly 1,000 urban landlords in the four wards into which Hermopolis was divided. Of the 240 landowners in the North ward seven between them owned about half the total area, and seven others about another quarter. These large owners, all above the 250 *arura* mark, would presumably have been decurions, and so too might have been six others who owned between 200 and 100 *arurae* each. This would account for about 80 Hermopolis landlords. Below come 22 who owned between 30 and 100 *arurae*, 90 who owned between 10 and 30 *arurae* and 66 with less than 10 *arurae* each. There must have been well over 700 modest and small landowners, below the curial class, who were domiciled in the town of Hermopolis and for the most part did not work their own land.<sup>12</sup>

The wide distribution of landed property among the professional classes and other city dwellers can be accounted for in two ways. In the first place the professions were largely recruited from the landowning class. The Codes reveal how many *curiales* went into the civil service, the army, the law, the church, medicine and teaching; and at a humbler level peasant proprietors and sons of veteran allotment holders were conscripted into the army or made their way into the lower ranks of the civil service. In the second place land was almost the only safe and permanent form of investment, and successful professional men and merchants and craftsmen, who wished to provide for their old age and for their families, did so by buying land.

Altogether a high proportion of the land in the empire must have been owned by absentee landlords. The crown, the cities and the churches were of necessity absentees. By no means all senators were domiciled at Rome or Constantinople, but those who lived in the provinces could not have resided on all their far-flung estates. Decurions were better able to exercise general

supervision over their farms, but they were legally obliged to reside in town and forfeited their estates if they took up permanent residence on them. Officials and professional men were tied by their work to the towns, and most lawyers and officials to the bigger cities, the provincial, diocesan or imperial capitals. The higher clergy were also from the nature of their duties city dwellers, and the humblest class of landowners, the craftsmen and shopkeepers, were kept busy by their trades in the towns.

Despite the large and growing amount of land owned by landlords who did not work it themselves the peasant proprietor never became extinct in the Roman empire. That the class declined in numbers is tolerably certain, though it would be difficult to cite much precise evidence for this statement. It might seem at first sight as if the peasant proprietor, who paid only his taxes on his land, stock and family, was in a stronger economic position than the tenant, who had to pay a rent in addition to these, or if his landlord, as was usually the case, paid the taxes, was charged a rent which considerably exceeded the sum due in tax.

It is probable, however, that peasant properties were on the whole smaller than rented farms, and tended to get smaller as from generation to generation they were divided between the heirs. Naturally they varied very greatly in size. The early fourth century land register of the Egyptian village of Theadelphia shows wide divergences. One of the twelve peasants listed owns  $58\frac{3}{4}$  *arurae* and two others  $47\frac{1}{2}$ ; but six have very small holdings,  $12\frac{7}{8}$ , 12,  $8\frac{1}{4}$ ,  $3\frac{1}{8}$ ,  $1\frac{3}{8}$  and  $1\frac{1}{4}$  *arurae*. The size of leased farms was on the other hand fixed by the landlord of the estate, who would calculate how much land could be conveniently worked by a tenant, and would have no motive for splitting up his farms. A sixth-century rent roll of an estate in the territory of Patavium confirms this hypothesis. It shows, besides a small home farm cultivated by the bailiff (*vilicus*) and two water meadows (*paludes*) leased to dairy farmers, six tenements leased to *coloni* (*colonicae*). One bears the same name as the home farm, and has evidently been carved out of it; the others all have their own names, Candidiana, Valeriaca, Severiaca and the like, derived from some bygone tenant. They are evidently stable traditional units; one is (perhaps temporarily) divided between two *coloni*, most are cultivated by a group of two, three or four *coloni*. The rents are very uniform, ranging from 5 solidi 21 *siliquae* for the largest farm, cultivated by four tenants, to 3 solidi 3 *siliquae* for the smallest. These are substantial

rents and imply that the *colonicae* must have been fair-sized farms.<sup>13</sup>

There were, moreover, many disadvantages from which the small man suffered, and these partly counterbalanced his freedom from rent. The regular taxation was in theory uniform for all classes, but the assessment was not always fair: imperial constitutions fulminate against *tabularii* of cities who under-assess the lands of the rich and influential, and throw the resulting burden on the small holders. It was moreover possible for those with influence in high quarters to obtain reduced rates of tax or assessment for their lands, and if cities received rebates of tax or reductions of assessment, it was, Salvian complains, the richer landowners who secured all the relief for themselves. It was, furthermore, the big landowners who profited most from the periodical remission of arrears, which were a regular fiscal practice, for they could keep the tax collector waiting. Even on the score of the regular land tax, then, the peasant proprietor was in fact worse off than his richer neighbours. But in addition to the regular tax there were superindictions, *extraordinaria* and *munera sordida*. From these certain categories of landowners were exempt—besides the crown and the churches, palatine officials of many categories, and from 409 senators of illustrious rank. It would, moreover, appear both from the Codes and from Salvian that in the assessment of *extraordinaria* on a city the local big landlords, the *principales* of the council, contrived to lay the burden on their smaller neighbours.<sup>14</sup>

It was probably, however, not so much the pressure of regular burdens which crushed the peasant freeholders as sudden strokes of misfortune. To meet these the owner of an exiguous holding, living from hand to mouth as he did, could not accumulate any reserve. If there were a succession of bad harvests or his crops were repeatedly ravaged, if his beasts died of disease or were requisitioned and never returned, or carried off by barbarian raiders, he had nothing to fall back upon and unless he mortgaged or sold his land he starved. In similar circumstances a tenant also starved, but the landowner did not have to sell; he was less likely to lose all his crops or his stock, and moreover had reserves of cash to tide him over.

Faced by the inexorable demands of the tax collector in such circumstances the peasant freeholder might abandon his land and seek employment with one of the neighbouring landowners, who, being perennially short of labour, were always glad to take on any man who offered himself as a labourer or tenant. A papyrus from the village of Theadelphia, dating from 332, vividly illustrates

such a situation. The disaster in this case was that for several years the water which should have reached the village, which lay at the end of a long canal, had been intercepted by other villages nearer the source. Most of the twenty-five adult males on the census books of the village had vanished, and the three survivors—who incidentally possessed the largest holdings—went in search of them and found some of them in the employ of big landowners in neighbouring territories. A century later Salvian in Gaul lamented the many peasants who ‘are driven to flight by the tax collectors and abandon their little holdings because they cannot retain them, and seek out the estates of great men and become the tenants of the rich’.<sup>15</sup>

A less desperate remedy was to sell his land for what it would fetch in such circumstances, or to raise a loan on its security, naturally on exorbitant terms which made foreclosure ultimately inevitable. Justinian found it necessary to give special protection to small holders in Thrace and Illyricum against lenders of money or of corn. He limited the annual rate of interest to one *siliqua* in the solidus (or slightly over 5%) on money loans, and one-eighth (or 12½%) on loans in kind, and enacted that if this were paid with the original debt, the lender must restore the land or stock which he had seized. The lenders were, it appears, mainly officials, probably collectors of taxes or arrears, who made a practice of converting the obligation to the state into a private bond to themselves.<sup>16</sup>

An even commoner resort of a peasant freeholder driven to desperation was to seek the patronage of a powerful person. Patronage is a vague term and seems to cover many different forms of contract, legal or illegal, which prevailed at various periods in various areas. Libanius describes in great detail the form of patronage which was prevalent in Syria in the late fourth century. Here it was used both by villages of freeholders and by villages owned by a landlord, by the former against the tax collector and by the latter against the landlord himself. The villagers would pay a regular bribe to the *dux* of the province to station troops in their village. When the curial *susceptores* arrived to collect the taxes or the landlord or his agent to collect the rents, they were forcibly ejected with the aid of the troops, who had been well entertained by the villagers. If the *susceptores* or the landlord sought legal redress, the *dux* would claim the case for his court, since soldiers were among the defendants, and would give judgment for the villagers.<sup>17</sup>

From a group of constitutions in the Theodosian Code it appears that patronage of a similar type was rampant in the same period in

Egypt. The patrons singled out for censure are persons holding high offices, particularly *duces*, and officials of the military *comes Aegypti*. The clients are peasant freeholders, whose object it is to evade their taxes and other public obligations, and they pay a regular fee to their patrons. Sometimes it is a whole village which takes this step, sometimes individual freeholders, who thereby throw an additional burden on their fellow villagers. Other laws of the same period addressed to the praetorian prefect of the East seem to have been of wider application. They refer to *magistri militum*, *comites*, proconsuls, vicars, Augustal prefects, tribunes and even decurions as exercising patronage.<sup>18</sup>

A law of 415 treats the situation in Egypt in detail. Three commissioners had been appointed to deal with the problem. Their investigations are closed, and no further charges of alleged patronage are to be received if they arose before 397: patrons who took clients under their protection since that date are to be tried before the normal court of the Augustal prefect. Those villages of freeholders (*metrocomiae* or *publici vici*) which had survived were to remain independent, and no outsider was to own land in them, unless acquired before 397, or henceforth to acquire it. The churches of Constantinople and Alexandria were, by a special privilege conceded by the previous praetorian prefect, to retain *metrocomiae* and *publici vici* which had come under their protection, provided that the villagers paid all their taxes and performed all the public functions due from them according to the old rules.<sup>19</sup>

Further clauses of the law, which are unfortunately most obscure, deal with estates (*possessionses*) and their cultivators, who were by local usage known as *homologi coloni*. These were to perform their ancient public functions, like the inhabitants of the *metrocomiae*, whether the estates remained under their old owners or were retained by patrons. The *possessionses* envisaged appear to be estates which had been built up out of village lands by outside landlords and were cultivated by their tenants, who, however, remained on the register of the villagers—this is perhaps the meaning of *homologi*—and were legally liable to share in their obligations to the state. The owners of some such estates, presumably the smaller men, would seem to have sought the patronage of the powerful.<sup>20</sup>

In its earlier stages this oriental form of patronage did not involve the peasant in the loss of his land. The small proprietor in the village paid an annual tribute to his protector, and if his protector was the *magister militum*, the *dux* of the province or the tribune of the local unit, or again the vicar of the diocese for the time being, the relationship was unlikely to become permanent.

These officers were, however, usually landowners on a considerable scale, and might continue their protection not in their official capacity but as men of power and influence; moreover, some villagers and small proprietors sought the patronage of big landowners as such; *curiales* are mentioned in these laws as patrons, and so are the great churches, which had far-flung estates. Such patrons tended to become permanent and their annual tribute to become a rent, until eventually their patronage of the peasants was converted into ownership of the land under some legal form of donation, sale or lease.

The fifth-century emperors continued to legislate against patronage. Marcian issued a constitution, which has not been preserved, annulling contracts of patronage entered into since 437 in the diocese of Thrace, and since 441 in those of Asiana, Pontica, Oriens and Egypt. This law was re-enacted in 468 by Leo, who declared null all contracts of patronage under whatever legal form from the same dates, whether affecting individuals or villages. These two laws dealt only with freeholders who sought to evade payment of their taxes. A later undated law deals also with villages of slaves or free tenants who revolted against their landlords under the protection of a patron. The patrons in this law are of the old type, described by Libanius, who are recompensed by a regular tribute and not, as in Leo's law, by ownership of the land.<sup>21</sup>

In the East the government, in the interest of the revenue, waged periodical campaigns against patronage. It was obliged to condone long-standing violations of the law, and it must have been very difficult to distinguish patronage in its later forms from genuine gifts and sales. One may well doubt whether the government's intervention was very effective, despite the ever severer penalties with which it threatened either party, seeing that normally both parties would maintain a conspiracy of silence.

In the West our information is much more meagre. There are no imperial constitutions on the subject and we have to rely on the rhetorical and rather obscure account of the institution by Salvian. There the patron is a great landlord, who offers his protection to the individual peasant against the tax collector in return for the reversion of the peasant's land on his death. The tragic sequel seems to be rather overdrawn. The sons, according to Salvian, 'though despoiled of their little properties and expelled from their little fields, nevertheless bear the taxation of the property that they have lost. When the possession has left them, the tribute does not . . . , the land-grabbers invade their property and they, poor wretches, pay the taxes for the land-grabbers'. This presumably means not that the sons were physically expelled but

that the patron, once securely in possession of the land after the death of the original client, no longer protected his sons, who were now his tenants, from the tax collector's exactions. It is likely enough that patrons did pursue this policy, not wishing to fall foul of the imperial government unnecessarily, but the implication that their tenants gained nothing is almost certainly untrue; they would pay the regular taxes but be spared many additional exactions.<sup>22</sup>

The fact that no imperial legislation against patronage survives in the West does not prove that the practice was rare. The Western government at the time when patronage was becoming rife in the East was falling into the hands of the great territorial magnates who mainly profited by the process, and they are likely to have looked with a blind eye upon it.

Generation after generation peasants abandoned their holdings, sold them to wealthy neighbours, mortgaged them and suffered foreclosure, or surrendered them to patrons in return for protection. To set against this there was very little increase in peasant holdings. The government, it is true, made grants of waste land to veterans in the fourth century. These were on two scales according to a law of Valentinian. Ordinary soldiers received one yoke of oxen and 50 *modii* of seed corn, enough to sow ten or twelve *iugera*; those retired with the rank of *protector* were given two yokes of oxen, and twice as much seed. The author of the *De Rebus Bellicis*, who addressed his pamphlet to Valentinian, was an enthusiast for this policy, and urged that the term of service should be shortened, partly with a view to increasing the number of these peasant cultivators. The policy seems, however, to have been abandoned shortly afterwards.<sup>23</sup>

Estates, when they came on to the market, seem never to have been broken up. Few peasants probably had enough money laid by to purchase land, and the tenants of the estate were almost certainly too poor to buy their holdings. What was more important, there was always an abundance of rich men eager to snap up any land that was offered for sale. Melania, when she sold her vast estates, found no shortage of wealthy purchasers, who, if they could not find the ready cash with so much land thrown on the market at once, could offer good security. It does not seem to have occurred to this pious lady to offer favourable terms to her tenants.<sup>24</sup>

In these circumstances the number of peasant freeholders must have steadily diminished, particularly from the end of the fourth century, when entire villages were passing into the possession of patrons. It must, however, be emphasised that the evidence which



has been cited for the gradual elimination of peasants' properties is also evidence for their continued survival. If the flight of freeholders from their farms and the surrender of their farms by their peasant owners to patrons were common phenomena in Gaul in his day, as Salvian declares, there must still have been a substantial number of small freeholders left in Gaul in the middle of the fifth century. If the activity of moneylenders in Illyricum and Thrace caused grave anxiety to Justinian, there must have been a large number of peasants to mortgage their farms in the sixth century in these areas. Libanius in the later fourth century divided the villages of Syria into two categories, those owned by one landowner, and those divided between many small holders; and Theodoret in the middle of the fifth century still speaks of these two classes of village.<sup>25</sup>

On Asia Minor we have no specific information, but the long and detailed biography of Theodore of Syceon, who spent his whole life ministering in the villages around Anastasiopolis in Galatia during the early seventh century, gives the impression that the villagers were peasant proprietors: no landlord appears in the narrative save the church of Anastasiopolis. In Africa, the classical land of great estates, a group of documents has come to light which show that in the last years of the fifth century Mancian tenures still subsisted. These were not freeholds, it is true. They originated in the policy of the early second century emperors, and probably of other African landlords, of granting perpetual leaseholds to persons, normally their tenants, who brought waste land on their estates into cultivation, and especially planted them with vines, olives or fruit trees. Mancian tenures were subject to a rent in kind, usually one-third of the produce, but they could be left by will or sold by the holder. The documents record the sale of a dozen or so of these tiny holdings, each with a few fruit trees or olives; it is perhaps significant of the trend of the times that all were sold to one purchaser.<sup>26</sup>

It is only in Egypt that we can very roughly measure the decline of the peasant proprietors. Egypt was a somewhat exceptional country in that the fiscal policy of the Ptolemies, continued under the Principate, had discouraged the growth of large estates, or indeed of private property in land. Some land, however, usually of marginal quality, was sold or granted to private owners, and by the Principate there had grown up a small class of substantial landowners, resident in the metropoleis of the nomes, who from the reign of Septimius Severus were enrolled in the city councils. The bulk of the land, however, remained public, and was cultivated by peasants in small holdings on lease from the crown. When

Diocletian finally converted the nomes into cities, the division of the land into public and private was not abolished, but it gradually ceased to be significant and the peasants came to be owners of their customary tenures.

In the early fourth century peasant proprietors were then exceptionally numerous in Egypt. The census register of Hermopolis shows 14,700 *arurae* in the possession of landlords resident in one of the four wards, which implies rather less than 60,000 *arurae* owned by all the inhabitants of Hermopolis; Antinoite citizens also owned 6,700 *arurae*, making a total of about 66,000 *arurae* owned by urban landlords. The territory of Hermopolis must, estimating its area from the map, have comprised about 400,000 *arurae*; that is to say only about one-sixth of the city territory was owned by urban landlords, and the remaining five-sixths by peasant villagers, who were entered on separate registers. The only village on which we have sufficient information, Theadelphia in the Arsinoite territory, yields similar results. The total area of the village was 500 *arurae*, and of this only two holdings, amounting to 30 *arurae*, were in the early fourth century held by urban landlords.<sup>27</sup>

With these figures may be contrasted those relating to the estates of the 'glorious house' of Flavius Apion's heirs in the sixth century. In a comparable area, the combined territories of Oxyrhynchus and Cynopolis, which totalled 280,000 *arurae*, the Apion family alone owned two-fifths, 112,000 *arurae*, and Oxyrhynchus, the capital of a province, certainly contained many other landlords of some substance. But even in the sixth century the peasant proprietor was by no means extinct. We possess a large group of documents from the village of Aphrodito in the territory of Antaeopolis, which show that its peasant freeholders were still maintaining their rights, of which the principal was *autopragia*, the privilege of collecting their own taxes and delivering them direct to the provincial governor, in Justinian's reign and indeed down to the Arab conquest.<sup>28</sup>

Peasant proprietorship was perhaps more strongly rooted and survived more vigorously in Egypt than in most dioceses. But there is evidence which suggests that it was strong in other areas of the Eastern empire. Justinian was able to raise considerable armies from among his subjects, particularly in Illyricum and Thrace and in eastern Asia Minor, whence came the Isaurian regiments. These men were certainly countrymen, and they were not *adscripticii*, the tied tenants of landlords (including the church and the crown), who had been since the early fifth century debarred from military service. They may have included free tenants, but it

seems likely that many were freeholders. Justinian's anxiety to protect the free peasants of Illyricum and Thrace against money-lenders is more understandable if they were an important recruiting ground.<sup>29</sup>

For the West there is less evidence for the survival of the peasant freeholder, whereas evidence for absentee landlords, great, middling and small, is abundant. In Italy and Sicily we know of many vast *massae* and *fundi* owned by the crown, the church and senatorial families. In Spain again we know of large senatorial estates, some owned by Italian families, like those of Melania and Pinianus, some by senators of local origin, like Theodosius the *magister militum* or the brothers Didymus and Verinianus, two wealthy young nobles, who, in the early fifth century, raised a private army from the slaves on their estates and maintained it at their own charges. In Africa, too, we have much evidence for large estates owned by the crown, the church, Roman senators like Symmachus, Pammachius and Pinianus, and local magnates such as Gildo; while in Gaul we know of great senatorial landowners like Paulinus of Nola and Sidonius Apollinaris. These big estates must have occupied a large proportion of the total area. We can infer the existence of a large number of more modest estates from the survival of the curial order, which still existed in Visigothic Gaul and Spain in the early sixth century, and is well attested down to the seventh in Italy. In Italy we hear also of small farms or parts of farms owned by other urban residents, officials, soldiers, the minor clergy and merchants or craftsmen, and similar conditions may be postulated elsewhere. As against this we have only the testimony of Salvian for the survival of the peasant freeholder in Gaul, and in Africa the documents which reveal the continued existence of Mancian tenures.<sup>30</sup>

Landlords, both great and small, rarely owned a single consolidated estate. Their possessions were usually scattered and consisted of a number of farms, some larger, some smaller. The greatest landlord of the empire, the *res privata*, owned besides some large blocks of territory, mostly ancient royal lands, countless estates which had accrued to it by bequest, escheat or confiscation in every province and in almost every city. The great churches, as a result of donations and bequests from emperors and other great benefactors, acquired very far-flung estates. In the fourth century the lands of the Roman church were mostly in Italy, where they were distributed over twenty-five cities, but included

also two large groups of estates in Sicily, seven blocks in Africa and two in Achaea, as well as a number of estates in the East at Antioch, Tarsus, Alexandria, Tyre, Cyrrhus and elsewhere. By the time of Gregory the Great the patrimony of St. Peter had grown considerably: it now included lands not only in Italy, Sicily and Africa but in Sardinia and Corsica, Gaul and Dalmatia. The lands of the Great Church of Constantinople were as widely dispersed: its estate office was divided into departments for the dioceses of Thrace, Asiana, Pontica and Oriens, and it is known to have owned lands in Egypt also. The sees of two other imperial capitals, Milan and Ravenna, owned far-flung estates; Ravenna had properties in Bononia, Urbinum, Luca, Forum Cornelii, Ariminum and Agubium, and both are known to have had land in Sicily. Great cities also sometimes possessed civic estates outside their own territories. In the early fourth century Antinopolis owned four farms with a total area of 520 *arurae* in the territory of Hermopolis, and Zeno restored to Nicaea a number of estates, with a total rental of 400 solidi, which lay in the neighbouring territory of Apamea.<sup>31</sup>

The estates of great private landlords were often scattered over many provinces. Symmachus in his letters mentions twelve villas which he owned in various parts of Italy, and speaks of his lands in Samnium, Apulia, Sicily and Mauretania. The biographer of Melania draws a vivid picture of her making a leisurely progress from Rome to Carthage, systematically selling her estates in Campania, Apulia, Sicily, Africa, Numidia and Mauretania: she also owned lands in Spain, which were at the moment unsaleable owing to the barbarian invasions, and even, we are told, in Britain. Senators had many opportunities of acquiring lands in distant provinces. Though they were forbidden to exploit their authority in this way, they married rich heiresses in the provinces which they governed. It was probably as a result of such a marriage that Paulinus owned lands not only near Burdigala, the home of his grandfather Ausonius, but in Achaea and Old and New Epirus: he inherited the latter from his mother, and it is perhaps significant that he was born at Pella and that his father was vicar of Macedonia at that time.<sup>32</sup>

Senators also despite the laws abused their official powers to make advantageous purchases in the provinces, and took advantage of their influence at court to secure grants of property accruing to the crown. An interesting picture of a great property of senatorial proportions, which was mainly built up by purchases and grants from the crown, is given by the very detailed will of a Merovingian royal favourite, Bertram. He was apparently a native

of Burdigala, entered the service of King Lothar at Paris, and was promoted to be archdeacon of Paris and then, in 586, bishop of the Civitas Cenomanorum (Le Mans). When Guntram died in 593 he suffered, he complains, great losses in the subsequent troubles but remained steadfastly loyal to Lothar, and when Lothar in 613 became king of all Gaul reaped a rich reward for his loyalty. He seems to have come from a prosperous family of middle rank, inheriting a house at Burdigala and eight villas and one *colonica* in the territory of that city and its neighbour, the Civitas Santonum: some of these properties he originally shared with his brothers, but by outliving them he ultimately concentrated most of the family inheritance in his own hands. To these estates he added a few by legacies or gifts and many more by purchase or by royal grant. He mentions two villas and half a dozen other properties which were left or given to him by private persons, and over twenty-six villas, as well as miscellaneous minor properties such as vineyards, houses and a pine plantation, which he bought out of his own money, besides five villas which he bought from money given him by the king. He also received from the king eleven named villas and two other properties and a house; a half share in the extensive estates of Avitus in the territories of Bituriges, Cadurci, Alba and Agennum; a third share in another great group of villas in Burgundy, formerly the property of Landegesil; and a third share in yet another group in Provence which had belonged to Aureliana. These were free gifts. In addition he was granted, in compensation for losses in the troubles, three named villas and others in the territories of Pictavi, Cadurci and Lemovices from the estate of a lady named Nunciana, who had apparently usurped some of his property. Altogether he names over eighty individual properties, besides five groups of estates. They were distributed over fourteen city territories, from Paris to Bordeaux, apart from the property in Burgundy and Provence. Some of the items were no doubt small: for one he paid only 40 solidi. But of the villas which he bought some were quite substantial—for one he paid 100 solidi, for another 140, and in two cases 300—while one, whose price was 1,000, must have been very large.<sup>33</sup>

This fortune is probably typical of many made by new men of the senatorial order, except that their estates would have been even more widely dispersed. Such great agglomerations were from time to time broken up by division between heirs, and parts of them were added to other agglomerations through the marriages of heiresses. Hence the complexity and dispersion of the average senatorial fortune.

On the gross area of the great senatorial estates we have very

little information. In the sixth century the contribution of 'the glorious house' of the Apion family in the Oxyrhynchite and Cynopolite territory to the *embole*, the corn levy for Constantinople, amounted to nearly 140,000 *artabae*. A contemporary document (from another city, Antaeopolis) gives the rate of the levy at approximately  $1\frac{1}{2}$  *artabae* to the *arura*. The Apion estates in this district (they also owned large areas in the Heracleopolite and Arsinoite) would therefore have covered 112,000 *arurae*, about 75,000 acres or 120 square miles.<sup>34</sup>

For other senatorial families we have only the rentals of their estates. The figures are probably net, representing the actual income received after the *actores* had paid the taxes locally. The above-mentioned Apion estates would have yielded, according to the rates of rent and tax normally prevalent in sixth-century Egypt, about 20,000 solidi a year, very nearly 3 *centenaria* of gold. To produce the incomes of 15 *centenaria* enjoyed by Western senators of middling wealth far more than five times 120 square miles would have been needed, for the yield and therefore the rental value of land in Egypt was much higher than in other parts of the empire. The richest Roman senators, whose income was in the range of 40 *centenaria* of gold, must have owned several thousand square miles.

The landed property of lesser men also usually consisted of a group of farms, though these were not as a rule so widely dispersed. We possess a small part of an early fourth century land register from Magnesia on the Maeander. It is an alphabetical list of farms, assessed in *iuga* and *capita*, with the owners' names: the surviving portion covers the letters A and B only. In this we find that Severianus, a tribune, owned five separate farms with these initials, and Paulus, a decurion, four. From another contemporary register we learn that Tatianus, a rich decurion of Tralles, owned fourteen estates, six quite small (under one *iugum*), seven of moderate size ( $1\frac{1}{2}$  to 6 *iuga*) and one as large as the total holding of his more modest colleague, Latron ( $17\frac{1}{2}$  *iuga*). Latron's property was formed of four estates, and Critias (with 20 *iuga* in all) owned seven farms. In the Hermopolis register the land of the larger owners is distributed over several of the 18 *pagi* into which the territory of the city was divided. One owner held land in 10 *pagi*, two in 9, and others in 8, 7, or 6; only one large property, actually the largest (1,370 *arurae*), was all in a single *pagus*.<sup>35</sup>

Men of curial status normally owned land only within the territory of their own cities. Sometimes, however, the richer among them had acquired estates in neighbouring cities too. In the early fourth century four prominent decurions of Antinoopolis,

a former president, a former *exactor* and two former *curatores*, owned estates in the territory of Hermopolis. Letoius, a very wealthy Antiochene decurion of Libanius' time, is known to have owned a village in the territory of Cyrrhus.

In Gaul in the sixth century bishop Remigius left a most complicated estate, though quite a small one, and all in the territory of Remi. He had inherited from his father and mother lands in the territory of Portus and from his brother Principius other lands in the same place: this estate was apparently called Vacculiacum. He also owned part of another estate called Talpusciacum, part of a third, Casurnicum, 'which came to me by the lot of the division', part of a fourth called Setia, near Laudunum, part of a meadow at Laudunum of which his nephew Lupus owned the rest, some other meadows called Iovia, a field next the mill at Vongum, a holding (*colonica*) called Passiacum, and half a dozen vineyards, including one on the river Subnis, one at Laudunum and a third at Vindonissa which he had planted himself. The will well illustrates the complication of land tenure caused by the division of estates between a number of heirs. Even tiny properties might consist of several separate holdings. A Hermopolitan who owned only nine *arurae* in all had three tenants, one of whom leased four and the others two and a half *arurae* each.<sup>36</sup>

A map of any Roman province, or even *civitas*, showing the boundaries of properties, would thus have been a very complicated jigsaw puzzle. In Italy and the Western provinces the basic unit of ownership was the *fundus*. *Fundi* were fairly stable units with permanent individual names, sometimes descriptive, but most usually derived from a long past owner—Fundus Cornelianus is the typical form. They were naturally not of a standard size. In the lists of estates given by Constantine to the Roman churches there is a *fundus* with as large a rental as 120 solidi, and, at the other end of the scale, another which brought in only 20 solidi. Well over half, however, range between 60 and 40 solidi. The average size of this group of *fundi* is perhaps rather high, for they were grants from the *res privata*, which got most of its land from well-to-do owners. The Ravenna deeds deal on the whole with smaller *fundi*, owned by humble people. Here only one is worth 400 solidi in capital value, which is on the same level as the smallest Constantinian estates, the rest are worth only sums like 120, 72, 48 and even 28 solidi. A *fundus* was not an indivisible unit. Humbler land-owners, who owned only one, had to divide it between their heirs, or might sell off a bit if hard up. In the Ravenna deeds most of the transactions are in fractions of *fundi*, a half, a third or even a sixth or an eighth.<sup>37</sup>

Richer men, who owned several *fundi*, had less reason to subdivide an individual farm, and the richest, including the crown and the great churches, who owned many, grouped them into *massae*. *Massae* again were not of standard size. The Constantinian list contains one with a rental of only 115 solidi, less than the largest *fundus*, but the majority are from 650 to 300 solidi. There are larger *massae* in the list, of 720, 800, 810 and 1,000 solidi, and one monster in Sicily with a rental of 1,650. *Massae* were not necessarily continuous blocks of land, but rather a group of *fundi* under one management. A large *massa* in the territory of Signia which was given to a church in Rome in the sixth century consisted of 31 complete *fundi*, the halves of two others and a third of another. This strongly suggests that there were at any rate enclaves in the block: no doubt the three fragmentary *fundi* had already been split before the owners of the *massa* acquired them and they had apparently not yet been able to buy up the odd bits. *Massae* were fairly stable units, which acquired permanent names, usually formed like those of *fundi* from the name of the original owner, but they might naturally be divided up again. In 553 a noble but illiterate couple, named Felithan and Runilo (probably of Gothic descent), gave the church of Ravenna the half of two *massae*, one in the territory of Urbinum and the other in that of Luca. King Odoacer, having promised land to the annual value of 690 solidi to the illustrious Pierius, first gave him the island of Melita in Dalmatia (200 solidi a year) and lands to the value of 450 solidi a year from the Massa Pyramitana in the territory of Syracuse. When Pierius applied for the remaining 40 solidi he was given the Fundus Aemilianus (18 solidi), the rest of the Fundus Dubli ( $15\frac{3}{4}$  solidi) and part of the Fundus Putaxiae (7 solidi), all out of the same Massa Pyramitana.<sup>38</sup>

Big landowners then as always liked if possible to consolidate their estates by buying up intervening or adjacent properties. This is well illustrated by Bertram's will. When Queen Ingoberg gave half an estate to his church, he bought the other half from her brother 'so that the estate might come in its entirety into the possession of the church'. Similarly he bought from the widow and other heirs of Bobolenus the other half of the Villa Colonia, of which Bobolenus had given a half share to the church. Bertram also consolidated his personal estates. Thus he had acquired the Villa Brea partly by gift from one Daulfus and partly by purchase, and when King Lothar granted him part of the Villa Tauriaco from the estate of Nunciana he bought the rest from her sons.<sup>39</sup>

Naturally, therefore, the wealthier and older the family, the larger tended to be the blocks in which its estates were held. Some



of Melania's estates were vast. Her biographer describes one near Rome which stretched from the sea at one end to the forest at the other, and contained besides a magnificent villa sixty-two hamlets of about four hundred slaves each. In Africa, according to Agennius Urbicus, '*saltus* owned by private persons are as large as the territories of cities; indeed many *saltus* are far larger than territories. Moreover on private *saltus* there is a not inconsiderable plebeian population and villages around the villa like *municipia*'. Melania endowed the church of Tagaste with such an estate, which was larger than that city itself, 'with a villa and many craftsmen, gold, silver and coppersmiths, and two bishops, one of our faith and one of the heretics'. Many African cities were, of course, very small, and African bishops were two a penny, so that this estate need not have been as vast as the hagiographer suggests.<sup>40</sup>

Senatorial estates were not all large. The inheritance of Paulinus' mother was 'dispersed over several cities of Achaëa and Old and New Epirus, over which there were scattered, but not at great distances, estates well stocked with numerous cultivators'. In the surviving portion of the land register of Magnesia on the Maeander, the largest estate by far—assessed at 75 *inga*, more than three times as big as the next largest, one of 21 *inga* owned by a decurion—is the property of a senator; but three other senators and two ladies of senatorial rank own six quite modest farms. The lands of the Apion family, who had in the sixth century only recently risen to great wealth, consisted of a huge agglomeration of quite small holdings, from hamlets (*ἐποίκια*) and farms (*κτῆματα*) to little peasant tenements within villages.<sup>41</sup>

In Syria both Libanius and Theodoret classify villages into two contrasted types, those owned by one landlord and those owned by many peasant proprietors, and imperial constitutions imply a similar division in Egypt between the *metrocomiae* and *publici vici* on the one hand and the *possessiones* with their *homologi coloni* on the other. This distinction must be rather schematic, for it is likely that some small holdings survived among or within large estates, and certain that outside landlords often owned land within *metrocomiae*. Some already did so before 397 and though the acquisition of land in free villages by outsiders was prohibited in 415 and again by Leo in 468, it certainly went on: the Apion family held much land so situated in the sixth century. Broadly speaking, however, the picture presented by Libanius, Theodoret and the constitutions is no doubt true to the facts, and probably applied to other regions. In some parts this state of affairs may have been

very ancient. The Hellenistic kings of Asia Minor and Syria, no doubt following the precedent of their predecessors, not infrequently granted whole villages of their royal domain to their officials, courtiers and favourites. In other cases it was a recent result of patronage, for patrons often acquired entire villages. The village was in Egypt, and probably elsewhere, a fiscal unit, whose inhabitants were jointly responsible for the taxes, and villages therefore often took joint action in the measures they adopted to protect themselves. But even where large estates were gradually built up in the territory of villages, they often tended to become hamlets (*ἐποίκια*), no doubt because landlords preferred to house their tenants on the estate. It was probably in this way that most landlords' villages were formed: the large *fundus*, *saltus* or *massa* developed its own village, or even a group of villages and hamlets.<sup>42</sup>

Great landlords managed their estates in a variety of ways. There were broadly three alternatives, to employ agents (*procuratores*, *actores*), to lease their estates on short terms to contractors (*conductores*), or to lease them for terms of lives or in perpetuity to *emphyteuticarii* or *perpetuarii*: these were also in strict law *conductores*, but are often called *possessores*. The three methods were employed in different permutations and combinations by landlords of different types, the crown, the churches and private owners, great and medium. It will be simplest to take some representative examples where our information is fullest.

The greatest of landlords, the *res privata*, had an elaborate managerial hierarchy. For each diocese, or sometimes half diocese, there was a *magister*, later *rationalis*, *rei privatae*. Below him were *procuratores rei privatae*, responsible for a province or two, or for a large nexus of estates which had once belonged to a single owner. Below them again were the *actores dominici* or *rei privatae*. It may be that some of these last actually managed the estates, dealing directly with the tenant cultivators (*coloni*), but normally *conductores* performed this task.<sup>43</sup>

Some imperial estates were leased at short terms (probably the *lustrum* of five years which was standard in Roman law). In that case the *conductor* enjoyed no security of tenure, having to make way for a rival who offered a higher rent unless he were prepared to pay the same figure. On the other hand he was not in practice free to throw up his lease, but might be compelled to renew at the old figure. Leases were sometimes assigned compulsorily; this

practice applied particularly to the *fundi iuris reipublicae* and *iuris templorum*, the old civic and sacred lands, which in default of willing lessees were allocated to the decurions who had in old times normally leased them. Already in Constantine's reign, however, a large proportion of imperial land was leased in perpetuity to *emphyteuticarii* or *perpetuarii* (the terms seem to be synonymous in connection with state lands). The practice was convenient for the government, which received a steady, if reduced, income and was spared the trouble of administration, and was also popular with lessees, who gained a secure title, which could be alienated or bequeathed, subject to a fixed rent-charge. More and more imperial land passed into this category as time went on.<sup>44</sup>

The church of Rome had also by the sixth century an elaborate administrative hierarchy. The lands of the Roman see, known collectively as the patrimony of Peter, were divided into regional groups, each known as a patrimony. Overseas we hear of the patrimonies of Gaul, of Africa, of Dalmatia (with which went Praevalitana), and of Sicily, which was sometimes divided into two blocks, administered from Syracuse and Panormus. In Italy there are recorded patrimonies of Apulia, Campania, and Appia, the area south of Rome on the Appian Way. At the head of each patrimony was a *rector*, who was usually one of the minor Roman clergy, a subdeacon, notary or *defensor*, sent out for a term of years. Sometimes a local bishop acted as *rector* temporarily; we find the bishop of Arles managing the Gallic patrimony at times, and the bishop of Syracuse the Sicilian. And sometimes a local layman of high standing undertook the task: thus in Gaul, then ruled by the Merovingian kings, Gregory at first employed the patricians Dynamius and Aregius, no doubt because they could offer efficient protection to the interests of the church.<sup>45</sup>

Under the *rectores* were *actores* or *actionarii*, and below them *conductores*: we happen to know that in Sicily there were 400 *conductores*. The churches were by this time legally entitled to grant emphyteutic leases, but Gregory was chary of them. The bulk of the lands of the Roman see was let on short leases; it had become the practice in Sicily for the agents to demand a fine (*commodum*) for the grant of a lease, but Gregory prohibited this abuse, which led to the *conductores* being too frequently changed. In other churches emphyteutic leases seem to have been common; in the Great Church of Constantinople the clerks at the head office (*chartularii*) who drew up the leases received a commission of 1% on short lets and 2% on emphyteutic grants.<sup>46</sup>

The Apion family, though their estates were concentrated in a small area, also had an elaborate hierarchy of agents. At its head

was the 'deputy landlord' (*ἀντιγεωχός*), under whom were a number of chief agents (*διοικηταί*), and under each of them about ten or a dozen inferior agents (*προνοηταί*), each of whom managed three or four farms or hamlets and other small holdings in the neighbourhood. The Apions did not use *conductores* at all, the lower grade of agents dealing directly with the tenant cultivators (*γεωργοί*), who often grouped into gangs under foremen (*φροντισταί*). Lauricius, former *praepositus sacri cubiculi* of Honorius, managed his Sicilian estates in a very different way. They had fallen heavily into arrears under the tribune Pyrrhus, who had apparently been his principal agent or *procurator*, and on sending out a successor he wrote to his *actores* and his principal *conductores*. He owned three *massae*, the Fadiliana which was leased to Sisinnius for 445 solidi, the Cassitana held under a joint lease by three *conductores*, Eleutherio, Zosimus and Eubulus, for 500 solidi, and the Emporitana, leased by the same Zosimus and a partner named Cuprio for 756 solidi; the last pair also leased the Fundus Anniana, and part of the Fundus Aperae, with rentals of 147 and 52 solidi, and Sisinnius appears to have sublet another *fundus* for 200 solidi. Lauricius thus entrusted his estates to a small group of big *conductores*, and his *actores* cannot have had any direct concern with actual running of the property. For the rest we have little detailed information, but from the legal texts it would appear that most great secular landlords had their *procuratores* and *actores*, and leased their estates to *conductores*, though sometimes the *actores* may have dealt with the *coloni* directly. Private landlords do not seem to have granted emphyteutic leases on any large scale.<sup>47</sup>

The Apions employed free men for their agents. Those of the higher grade (*διοικηταί*) are often given the title of *comes* and even of *illustris*; this in sixth-century Egypt does not mean very much, for such titles seem to have been given by courtesy to any person of standing, but indicates that they were gentlemen of some substance. The lower grade agents (*προνοηταί*) were naturally humble folk. We possess the contract of one, Serenus, who was a deacon: he paid twelve solidi for a year's engagement. In the West, and probably in other Eastern provinces, *actores* were commonly slaves or freedmen of the owner. *Procuratores* might also be freedmen or slaves, but landlords often found it convenient to employ persons of higher status who could protect their interests more effectively. An unnamed Constantinopolitan senator in the reign of Arcadius used Antoninus, the metropolitan of Ephesus, to look after his estates in Asia; the arrangement was convenient to both parties, for when Antoninus got into trouble with John Chrysostom, the patriarch of Constantinople, his senatorial

employer was able to hold up proceedings against him. The employment of clergy as *procuratores* was sufficiently common for Marcian to suggest to the Council of Chalcedon that the practice should be forbidden. In Africa a council of Carthage had prohibited the clergy from serving as *procuratores* in 349. *Curiales* were also in demand and were forbidden to take such posts, lest by pledging their own lands as security to their employers they should imperil the interests of the treasury, to which these same lands stood as security for the taxes.<sup>48</sup>

*Conductores* might be slaves, usually of the landlord: Pope Gelasius complains that a certain Ampliatus, a slave of the Roman church, who had been a *conductor* of church lands and owed considerable sums on this account, had had the effrontery to make a will leaving his *peculium* away from the church. More commonly *conductores* were free persons, and persons of substance, seeing that they had to give security for the very considerable sums which they handled. *Curiales* evaded the law which forbade them to be *procuratores* by acting as *conductores*, until this loophole was stopped by Theodosius II in 439. It was also a common practice, noted in a law of the same date, for would-be *conductores* to obtain a sinecure palatine *militia* as *protector*, *domesticus*, *agens in rebus* or the like, so that they could claim *praescriptio fori* against the jurisdiction of the provincial governor or the vicar, or even the praetorian prefect. Persons who had sufficient money and influence to get such posts must have held some position in society. Soldiers were also commonly employed as *conductores*: Justinian complains that despite many laws not only *scholares* but regular soldiers serving under the *magistri militum* and *foederati* neglected their military duties and instead of fighting the enemy turned their arms against the peasants whose rents they collected. The clergy, too, were often employed in this capacity also. In Africa the council of Hippo in 393 prohibited bishops, priests and deacons from serving as *conductores* of great landlords.<sup>49</sup>

The holders of emphyteutic and perpetual leases were no doubt usually rich men; lands so leased were often in bad condition and needed considerable capital outlay, which ruled out the poor man. Moreover, they were a form of investment only slightly less attractive than freehold land. For though they were burdened with a perpetual rent, they were free, if state or church lands, as they usually were, from superindictions, extraordinary levies and *munera sordida*. It is probable that many *emphyteuticarii* and *perpetuarii* were at the same time private landlords on a large scale.

Despite the legal difference in their position a short term *conductor* and an *actor* who directly managed an estate were in practice

in a very similar situation. A *conductor* contracted to pay the owner a fixed rent; an *actor* was strictly an agent who transmitted the profits of the estate to the owner, but in fact the owner did not expect to get more than the sum of the fixed rents of the *coloni*. Both *conductor* and *actor* made their profit in extra levies and dues from the *coloni*. Both were primarily rent and tax collectors, but both had supervisory duties as well. They had to see that all the holdings were cultivated, reclaim runaway slaves or *coloni*, and take on new tenants from outside when they were required and if they were available. They were also responsible for the observation of the law on the estate: if a deserter were found on it or a pagan sacrifice were celebrated or a heretical service held or coiners plied their illicit trade, it was the *actor* or the *conductor* who was punished unless it could be proved that the owner had connived. On many estates *actores* and *conductores* probably did little more. Under more enterprising landlords they maintained and improved the equipment of the estates. The Apion family were particularly active and through their hierarchy of agents planted out vineyards, issued irrigating machinery to their tenants, built and repaired cisterns and farm buildings, and provided the bricks required, either by estate labour or by contract.<sup>50</sup>

For the harvest and the vintage a good deal of casual labour was employed. Some of this was drawn from the local peasant freeholders: John Chrysostom castigates the great landlords of Antioch for their meanness in paying the peasants who gathered the grapes a miserable pittance in cash, and not allowing them any of the wine. Townspeople also helped in the vintage; when King Cavades invaded Mesopotamia in 502, he captured not only the peasants but many townsmen from Edessa and Carrhae as well, because it was the vintage season. In Egypt a reserve of casual labour was provided by the hordes of monks and hermits who peopled the neighbouring deserts. According to Rufinus they flocked down at harvest time, and earned enough not only to keep themselves for the rest of the year but to have a surplus to distribute in charity. If, as Rufinus tells us, a monk could make twelve *artabae* of wheat by his harvest work, this is possible; for twelve *artabae* was a full year's ration, and monks lived on much less. In Africa the circumcellions, who are described as landless men who went around the rural homesteads to earn their living, provided a pool of labour on which the great estates could draw.<sup>51</sup>

Hired labourers seem very rarely to have been employed on a

permanent basis, though one is recorded to have complained: 'I am a hired labourer on the estate of a wicked grasping rich man, and though I have been with him fifteen years, working night and day, he cannot bring himself to give me my pay.' The regular cultivation of the estates was normally carried out either by slaves or by free tenants. Both classes of labour are regarded as normal in the Codes, which contain much legislation on the complicated questions arising out of intermarriage between them, but they give no clue to their relative importance. There were certainly great local and regional variations. In Egypt the papyri prove that agricultural slavery was virtually unknown, and there is no allusion to it in the abundant literary sources for Africa. These two regions, both famous for their teeming peasant population, may have been exceptional. In western Asia Minor and the adjacent islands early fourth century census records give a little information. On the island of Chios of thirteen farms four were cultivated by slaves and *coloni*, and nine by *coloni* only. On the island of Thera the landowner Paregorius, who owned ten farms, totalling 420 *iugera* of arable, 110 *iugera* of vineyard and 580 olive trees, had two rustic slaves only. At Tralles two owners had no slaves, Tatianus, the biggest landlord, had slaves assessed at 7½ *capita* and *coloni* at 58 *capita*, while two others, Critias and Latron, appear to have had about seven or eight times as many *coloni* as slaves. Here the slaves may well have been *vilici* or bailiffs, who supervised the free tenants. In the island of Lesbos on the other hand two farms are recorded with twenty-two and twenty-one slaves respectively together with others where neither slaves nor *coloni* are registered. Here it would seem that some landlords had gangs of slaves with which they worked several farms.<sup>52</sup>

In Italy slaves may have been commoner. On one of Melania's *massae* near Rome there were sixty-two hamlets, each inhabited by about four hundred slave cultivators, if the Latin version of the biography is to be believed. From casual references in the letters of the fifth and sixth century popes it appears that both the Roman church and neighbouring landlords owned agricultural slaves, but *coloni* are also frequently mentioned: the Sicilian estates of the Roman see appear to have been cultivated by free *coloni*. In Spain Orosius speaks of Didymus and Verinianus raising a private army from their agricultural slaves, and the laws of the Visigothic kings and the canons of the Spanish councils often speak of the *servi fiscales* of the state lands and the slaves on the church estates. From Gaul one document, the will of bishop Remigius, records in some detail the number of workers on each farm and vineyard, but unfortunately does not always clearly

indicate their status. On the lands which he held in the territory of Portus he had seven free *coloni* (with three women) and one slave. On his other estates, he mentions numerous persons whom he either frees or leaves to his heirs, but he rarely specifies whether they were *coloni* or slaves, and by this date *coloni* like slaves might be bequeathed with the land or granted freedom. The general impression given by the will is of a mixed servile and free population with the latter predominating.<sup>53</sup>

On such tenuous data it is scarcely possible to generalise, but there is no evidence for the extensive use of slave labour except in Italy and Spain. The strong and successful protest of the Roman senate in 397 against the levy of recruits from their lands suggests that even in Italy great estates were for the most part cultivated by free *coloni*, who were alone liable to the normal conscription. There was at the same time a levy of slaves for the army, but these were taken from the senators' town houses.<sup>54</sup>

What is abundantly clear from the Codes is that agricultural slavery was in general hereditary. It was probably in the main a survival from earlier times, when slaves had been very cheap, and many landlords, especially in Italy, had found it convenient and economic to stock their estates with slave labour. By the second century A.D. the price of slaves had risen so greatly that most landlords preferred to divide up their estates and lease them to free tenants; but some owners of large estates had maintained their stock of slaves by breeding.<sup>55</sup>

In the later empire the supply of slaves became somewhat more abundant, and their price correspondingly lower; but they still remained as a rule too scarce and too dear to be employed for agricultural work. On rare occasions when great numbers of barbarian prisoners were thrown on the market, slaves could be bought at bargain prices; after the defeat of Radagaesus his followers were sold off at a solidus apiece. But more often the government, when it made a large haul of barbarian prisoners, preferred not to sell them as slaves, but to distribute them to landlords as *coloni*, thus making them and their descendants eligible for conscription into the army. A Gallic panegyrist of the Caesar Constantius alludes to this practice in vague terms in 297. A constitution of Theodosius II, dated 409, gives details. The captured tribe of the Scyrae were to be distributed to landlords *iure colonatus*; they were not to be converted into slaves by the grantees, or removed from agricultural employment, but were to be permanently attached to their lands: the grantees had a period of five years' grace to make the permanent settlement, within which they could transfer them from one estate to another within the



same province, and during that period the new *coloni* were not liable to conscription.<sup>56</sup>

We rarely hear of slaves being bought for agricultural use. A law envisages purchasers or grantees of derelict estates restocking them with slave labour; but this is an exceptional case. When the peasants of Italy were starving the prefect of the city persuaded the senators to subscribe for famine relief by an appeal to their self-interest: 'Do you not see that if these men die we shall have to buy others? How much cheaper it is to feed a cultivator than to buy one! Whence will you make up the loss? Whence will you find the replacements?'<sup>57</sup>

The status of agricultural slaves gradually approximated by law and custom to that of serfs. Slaves registered in the census might not be removed from agricultural employment. Constantine allowed them to be sold to other landowners in the same province, but Valentinian I forbade their sale apart from the land which they cultivated. In Italy Theoderic rescinded this rule, but with this exception it was maintained throughout the empire. Slaves were probably not used as mere labourers but assigned lots of land to cultivate at a rent, as what the classical lawyers called *quasi coloni*: Pope Pelagius, instructing an agent which slaves to choose out of an inheritance part of which had come to the church, insists that he should pick 'men who can maintain or cultivate holdings', and threatens him with his anger if he lets go any 'countrymen who can be *conductores* or *coloni*'.<sup>58</sup>

Agricultural slaves married not only slave women but daughters of free tenants and of peasant proprietors, and reared families. They were commonly allowed to acquire property of their own (*peculia*), and to transmit it to their children: when Ampliatus, a slave of the Roman church, made a will, Pope Gelasius, though he quashed it on the ground that a slave's *peculium* was legally vested in the church, only ordered that his estate should be handed over to his sons. An even stranger case is that of Celerinus, son of a slave woman of the Roman church, who 'to escape his proper state of servitude dared to take to himself the name of a *curialis*'. He was alleged to have retained possession of a piece of land belonging to his first wife, a *colona* of the church, to have deserted his second wife, a slave of the church, and to have in his *peculium* much other property, all of which Pope Pelagius ordered to be restored to the Massa Tarpeiana, to which he belonged.<sup>59</sup>

While agricultural slaves rose to the status of serfs, free tenants

gradually sank to a similar status. In the Principate tenants of farms (*coloni*) and of houses (*inquilini*) were free to leave when their leases expired. Under Roman law leases were normally for a term of five years (*lustrum*), and could be continued as an annual tenancy by the tacit consent of both parties. In some parts of the empire, as in Egypt, short tenancies were usual: in others they were in practice lifelong and hereditary. The latter custom was probably commonest on large estates: under Commodus the tenants of imperial lands in Africa speak of themselves as having been born and bred on the estates, and in the early third century imperial tenants in Lydia threaten 'to leave the hearths of our fathers and the tombs of our ancestors' unless their grievances are redressed. Their words show that they were legally free to leave, though long established on their farms and reluctant to abandon them.<sup>60</sup>

The liberty of tenants was probably first restricted by the census of Diocletian, in which every peasant was registered in his village or under his landlord's name on the farm that he cultivated, and by legislation which, for fiscal motives, tied the peasantry to their place of registration, where they paid their *capitatio* and *annona*. But while the rule was introduced in the interests of the state, to facilitate the collection of the *capitatio* and to ensure that the land was cultivated and produced its *annona*, it proved very convenient to landowners, who were short of agricultural labour and welcomed a rule which prevented their tenants from abandoning their farms. It was the interests of landlords, who were after all by and large identical with the official aristocracy who controlled governmental policy, which prevailed.<sup>61</sup>

Originally the whole agricultural population had been tied, freeholders as well as tenants, but landlords had no interest in tying freeholders to their villages, and the rule ceased to be enforced against them save intermittently, as when in the general settlement of Egypt in 415 not only *coloni* but *vicani* were restored to their owners and villages respectively. On the other hand the rights of landlords over their *coloni* were progressively increased. Constantine in 332 allowed landowners to chain *coloni* who were suspected of planning to abscond; in 365 *coloni* were forbidden to alienate their own property without their lord's consent; a few years later it was enacted that landlords (or their agents), and not the public collectors, should levy the taxes of *coloni* registered on their estates; in 396 such *coloni* were debarred from suing their lords except for extracting more than the customary rent.<sup>62</sup>

Moreover the tied tenancy was preserved even when its original *raison d'être*, the *capitatio*, was abolished. When Valentinian remitted the *capitatio* in Illyricum, he ruled that *coloni* might not

therefore have freedom of movement but must continue to serve their lords 'non tributario nexu sed nomine et titulo colonorum', and Theodosius, when he extended the remission to Thrace, similarly ruled that the *coloni*, though free from the *capitatio*, 'shall be bound by the rule of origin, and though they appear to be free-born by condition, shall nevertheless be considered as slaves of the land itself to which they are born, and shall have no right of going off where they like or of changing their place, but that the land-owner shall enjoy his right over them with the care of a patron and the power of a master'.<sup>63</sup>

Not all *coloni* throughout the empire were thus tied. Theodosius wrote: 'whereas in other provinces which are subject to the rule of our serenity a law instituted by our ancestors holds tenants down by a kind of eternal right, so that they are not allowed to leave the places by whose crops they are nurtured or desert the fields which they have once undertaken to cultivate, but the landlords of Palestine do not enjoy this advantage: we ordain that in Palestine also no tenant whatever be free to wander at his own choice, but as in other provinces be tied to the owner of the farm'. A clue to this anomaly is supplied by a law addressed in 399 to the praetorian prefect of Gaul, which orders that in those provinces 'in which this method of tying the commons by registration is observed', landlords are to be liable for the public obligations of commoners registered on their estates. It would appear that in some provinces of the Gallic prefecture the rural population was not registered under the estates of which they were tenants, but presumably by villages or other local circumscriptions. In these provinces tenants were probably not tied to their landlords, since registration was the basis of the tied colonate. A similar system of registration may explain the anomalous position in Palestine. In Egypt also, where registration was by villages, there is no trace of the colonate in the papyri in the fourth century; it must have been introduced by the early fifth century (for which the papyrological evidence is weak), for the law of 415 orders the restoration of vagrant *coloni* to their masters.<sup>64</sup>

These large gaps in the colonate system were filled by imperial legislation. But in all provinces there were tenants who were not tied to their landlord. A tenant was registered under his landlord's name only if he possessed no land of his own; if he owned even a tiny plot he was registered in his village. On *massae* and large *fundi* which were villages in themselves the tenants would normally be landless men and therefore entered on the census under their *fundus*. But landlords, as we have seen, also owned many small farms and even plots, and these would often be rented by neighbouring peasant proprietors, many of whom owned tiny plots too

small to support a family. Such tenants, being registered in their villages, were not legally bound to their landlords. The distinction between tied and free *coloni* would roughly have corresponded to resident and non-resident tenants, for any non-resident tenant would probably own at least a house and garden of his own. Great landlords, who owned large estates, would tend to have tied tenants, lesser landlords, whose holdings were small and scattered, would have free tenants.<sup>65</sup>

Free tenancies also arose in another way. In the original census tenants had been entered by name with their wives (in areas where women were taxed) and their children, including those under taxable age, all with their ages. The idea behind this procedure was that, as the existing taxpayers died or reached the age which gave them immunity, the children would automatically move up into the tax-paying group as they reached the statutory age: the registration and the consequent attachment to the farm was from the beginning assumed to be hereditary. For the system to function properly the census should have been repeated at fixed intervals, but in fact this was not done. From time to time a city or a landowner would ask for a special reassessment, in order to justify a demand for lower taxes, and a *censitor* or *peraequator* would be appointed *ad hoc*, but normally the government based its tax demands on the total recorded in the old census. If *coloni* absconded, the landlord was expected to reclaim them and recover arrears of tax from whoever had harboured them: he remained liable for the full number of tenants registered on his land. If *coloni* were conscripted, he had if possible to make up the deficit from the younger generation, the *ad crescentes* as they were called, and could claim a rebate only if he had none of working age. On the other hand, if he increased his total by taking on a tenant from outside, he no doubt did not add this man to the list.<sup>66</sup>

In practice the registered *coloni* on an estate were thus a hereditary group comprising only the descendants of the *coloni* recorded in the original census. When the group increased the landlord was probably not particular to retain them all, for he wanted only enough men to cultivate his land efficiently; so long as each *colonus* left one son to succeed him, he would be satisfied, and other sons would move elsewhere. But where the group dwindled, the landlord would take on outsiders, and ask no questions. They might be runaway *coloni* from other farms, sons of a neighbour's *coloni*, peasant proprietors who had abandoned their village, or even townspeople who could no longer make a living by their craft or trade. Such men, who had no hereditary connection with the estate, were not tied to it.<sup>67</sup>

With the lapse of time, as on one estate or another the descendants of the original *coloni* fell below the number required and were supplemented by outsiders, free *coloni* became a more and more substantial class, especially on the estates of the lesser landowners: for great landlords could transfer surplus *coloni* from one part of their estates to another where there was a shortage. As free *coloni* became more important, the laws began to make a distinction between them and the tied *coloni*. Down to the third quarter of the fourth century, the imperial constitutions nearly always speak of *coloni* without qualification. They then begin to qualify tied *coloni* by some additional word or phrase. Their terminology is, at first in particular, varied and confused. In the West the word *tributarius* is sometimes used, to denote a *colonus* for whose taxes the landlord is liable. The term *inquilinus* is also not infrequently used, but is apparently not synonymous with *colonus*, probably denoting a man domiciled on an estate but not a lessee of land, a cottager who worked as a labourer or craftsman: but, to quote a law of 396, 'though there is a distinction in name between *inquilini* and *coloni*, as far as matters for claiming their *origo* their condition appears to be indistinguishable and almost identical'. More commonly tied *coloni* are styled *originales* or *originarii*, as being bound by their *origo* to the land.

The Eastern chancery preferred to stress registration on the census, using such phrases as *censibus adscripti*, and eventually coining the word *adscripticius*: the word, in its Greek form ἐνυπόγραπος, was first to our knowledge used by the emperor Marcian, addressing the Council of Chalcedon, and first appears in the Code in a law of Leo dated 466: it was never used in the West. The two terms *originalis* and *adscripticius* merely express different aspects of the same situation, for the census registered a man where he belonged by birth. Both conceptions are sometimes combined in a single sentence: a law of Valens speaks of '*coloni originales* who are registered in the same places', and in a law of Valentinian I *coloni* and *inquilini* are ordered to return 'to their old homes where they are registered and were born and bred'.<sup>68</sup>

In 419 Honorius applied the rules of *longi temporis praescriptio* to the benefit of *originales* and *inquilini*. Men of this status who had left their land for thirty years and had not been reclaimed became free; women became free after twenty years, and even if reclaimed within this period, might compensate their former master with a substitute. In 449 Valentinian III extended the benefit of this law to *originales* of imperial lands; normally there was no prescription against the rights of the crown. The reason given is an interesting one; high ranking palatine officials had been reclaimed by landlords

on the ground that their grandfathers or great-grandfathers had been their *coloni*.<sup>69</sup>

Two years later Valentinian III found that his generosity was being abused by *coloni* who fled from their own landlord and leased a farm from another, pretending to be free men, and after thirty years had their freedom legally confirmed. Worse still, some runaway *coloni* moved from landlord to landlord, until the thirty years were up. He accordingly ruled that an *originarius* who broke his tie with his own lord by thirty years' absence became the *originarius* of his new landlord or of the last of them, if he had kept on the move. Valentinian also noted with indignation that a free man would take a holding and marry an *originaria*, and then move on, abandoning his wife. He ruled that a stranger wishing to marry an *originaria* must make a declaration that he would stay permanently and while remaining otherwise free should be bound by this declaration.<sup>70</sup>

In the Western parts an *originarius* could thus legally shake off his condition only by leaving the land and pursuing some urban occupation for thirty years: as long as he stayed on the land he remained an *originarius*, even if he moved to another estate. On the other hand no free man could become an *originarius*: even if he married an *originaria* and settled on her estate, he retained his personal freedom. It is unlikely that in either case the law was strictly observed. Many *originarii* who left their homes no doubt managed to conceal their status. On the other hand free peasants, according to Salvian, often voluntarily declared themselves *inquilini* or acquired the status by prescription.<sup>71</sup>

In the Eastern parts Honorius' law of 419 was promulgated in the Theodosian Code, but Valentinian III's subsequent legislation was not. Here therefore the rule of thirty years' prescription worked in favour of *adscripticii*. Anastasius applied the rule in the opposite direction, enacting that a free man who leased a farm for thirty years thereby tied himself for life, but remained otherwise free, not subject to the disabilities of *adscripticii*. Justinian interpreted this law as binding the sons of such a tenant, even if they had not lived thirty years on the estate. Justinian also limited and later abolished the right of the *adscripticius* to free himself by thirty years' absence. In 531 he ruled that if the son of an *adscripticius* was allowed by his landlord to absent himself because during the father's lifetime he had no need of his services, and should complete thirty years' absence, he could nevertheless be recalled on his father's death. A year or two later he enacted that the condition of an *adscripticius* was imprescriptable.<sup>72</sup>

In one respect Justinian relaxed the law. Hitherto children of

free persons and *adscripticii* had all been *adscripticii*, whether it was their father or their mother that was free. Justinian, regarding *adscripticii* as virtually slaves, was shocked by this breach of the principle of Roman law which declared that the offspring of a free woman was free, and ruled that if an *adscripticius* married a free woman their children should be free; at the same time he prohibited such marriages and allowed landlords to prevent them. The law caused loud and prolonged protest. Justinian had first to explain that it was not retrospective, and children born of such marriages before its enactment could not claim freedom. Dominicus, the praetorian prefect of Illyricum, forwarded protests from the landlords of his prefecture that their estates were being deserted and that they could not pay their taxes. Justinian accordingly interpreted his law as meaning that children of such mixed marriages, while being free, remained *coloni*, and were therefore under Anastasius' law bound by a hereditary tie to their farms. This ruling was promulgated in Illyricum only, but under Justin II the landlords of Africa, through the praetorian prefect of Africa, Theodore, protested that their estates lay desolate owing to the operation of the law, and successfully petitioned that the ruling promulgated in the Illyrican prefecture might be applied to Africa. When Justin was succeeded by Tiberius Constantine the landlords of Africa, headed by the bishop of Carthage, anxiously pressed for confirmation of Justin's ruling.<sup>73</sup>

In the sixth century tenants thus fell into three classes. First there were the *adscripticii*, a hereditary class descended in the main from tenants who had been registered in Diocletian's census as belonging to an estate; in some provinces, such as Palestine and Egypt, where the tied colonate was of more recent origin, they were descended from men who had been tenants when the relevant laws were promulgated. In Egypt they are rarely found even in the sixth century: they are chiefly recorded on the Apion estates, but two are known who belonged to the church of Oxyrhynchus. They are confined to the old consolidated estates (*ἐπολῖα* or *κτῆματα*) and are not found on scattered parcels held in the villages.<sup>74</sup>

*Adscripticii* were serfs, scarcely distinguishable from agricultural slaves; as Justinian frankly says: 'What difference can be understood between slaves and *adscripticii*, when both are placed in their master's power and he can manumit a slave with his *peculium* and alienate an *adscripticius* with the land?' The status of the two classes had become in fact extraordinarily similar. Slaves were never eligible for military service, but from the early fifth century neither were *coloni adscripticii*. Slaves could not legally own property, but in practice were allowed to enjoy their *peculia* and

leave them to their children: *coloni* from 365 were forbidden to alienate their property without their landlord's consent. An owner had always been liable for the tax of his slaves: in 371 landlords were made responsible for collecting the taxes on their *coloni originales*. A slave could not bring a legal action: *coloni* were in 396 debarred from suing their landlords, except for exacting from them more than the customary rent. Slaves could not be ordained without their master's consent: in 409 this rule was applied to *coloni*. The Council of Chalcedon forbade slaves to be received into monasteries without their owners' consent; in 452 Valentinian III enacted the same rule for both slaves and *coloni*, and in 484 Zeno extended the ban on slaves to *adscripticii* in the East. *Coloni* were tied to their holdings. Slaves registered in the census could only be sold with the land.<sup>75</sup>

Next came *coloni* who were tied hereditarily to the land but personally free: that is, they could sue their landlords, alienate their own property as they wished, enlist in the army and take holy orders or enter a monastery without their landlord's permission. They could even, if they acquired land of their own, which demanded all their time and was sufficient to maintain them, throw up their tenancies. These were, or were descended from, men who had leased holdings and settled down on them for over thirty years; they would have been of diverse origin, some descended from peasant freeholders, some from *coloni*, particularly younger sons whom landlords had not wished to retain. After Justinian's law this class was swelled by the sons of *adscripticii* who had married free peasant women.<sup>76</sup>

Lastly there were free men who took short leases and thus retained their freedom of movement. This class is almost ignored in the laws, but the papyri prove that in Egypt at any rate it was still in the sixth century important. We possess over 170 datable leases or fragments of leases, ranging from Diocletian's reign to the Arab conquest, and in over ninety the term of the lease is preserved. Apart from half a dozen life or emphyteutic leases, the great majority (some sixty) are for very short terms, not exceeding seven years and commonly for one year only. In the remainder (some twenty-five) the tenant leases the land 'for as long a period as you wish', that is takes up a yearly tenancy renewable by the consent of both parties: this form of lease is first recorded at the very end of the fourth century and becomes increasingly common. The chronological distribution of the documents is erratic, being largely governed by the accident of survival: of the total datable over fifty are of the late third and the fourth centuries, over a hundred of the sixth and early seventh, but only about ten of the



fifth. The figures are not therefore a reliable guide to the number of short-term tenants at any time, but strongly suggest that the class did not decline in the sixth century. In the fourth century, so far as we can judge by the documents, all landlords let their lands on short leases, which were no doubt often renewed. In the fifth automatically renewable yearly tenancies began to come into vogue, but never outnumbered short leases.<sup>77</sup>

It is impossible to estimate the relative importance of these three classes of tenant. Egypt, where the accumulation of great estates began late and there was a strongly established class of peasant proprietors, was perhaps exceptional in the small number of its *adscripticii* and the preponderance of free short-term tenants. In areas like Italy or Africa, where vast *massae* with their villages of *coloni* were already established in Diocletian's time, *originales* or *inquilini* must have been a large group. But the outcry caused by Justinian's law on mixed marriages shows that even in Africa there must have been a large number of free peasant women, daughters of free *coloni* or peasant proprietors, living on or near the great estates. One may suspect that even here *adscripticii*, who were a closed hereditary caste, subject to constant leakage, licit or illicit, and rarely reinforced by new recruits, were a dwindling class.

The Codes, much though they tell us of the legal status of *coloni*, are not very informative about their conditions of work and life. Their rent might take three forms, a money payment, a fixed payment in kind, or a proportion of the crop: mixed rents, partly in kind and partly in money, or of a proportion of the main crop with supplementary payments in cash or kind, are also known. In Italy under the Principate money rents were normal, though Pliny experimented with the share cropping system. In Africa on the other hand share cropping seems to have been usual. In Egypt rents were usually paid as a fixed quantity in kind, though money rents were quite common, especially for vineyards and orchards.<sup>78</sup>

The same kind of regional variation prevailed in the later empire, and within any region there was no fixed practice. A constitution addressed in 366 to the governor of Tripolitania enacts that 'owners of estates shall accept what the land produces and not demand money which the peasants do not dare to hope for, unless the custom of the estate requires this'; but though this may have applied to Tripolitania, it did not to Egypt. Here of the surviving leases about a third provide for a rent in money, a quarter are partiarly, and the rest in fixed quantities of produce: no noticeable

change takes place from Diocletian down to the Arab conquest, except that in the sixth century it is common to add to the main rent sundry perquisites in kind—cheeses, a basket of fruit, a jar of wine, a sucking pig or the like. The tenants of the Apion family usually paid in wine on vineyards, and on arable partly in gold, partly in wheat. Justinian, laying down rules for the sequestration of the rent when a *colonus* challenged his landlord's title, makes elaborate provision for payment in money or kind or both.<sup>79</sup>

In Italy and Sicily gold rents seem to have been usual in the sixth century. Gregory the Great, wishing to encourage the conversion of Jewish *coloni* of the church, ordered that the rents of converts should be reduced, and suggested that the reduction should be on the scale of one *tremissis* on a rent of one solidus, or one solidus on a rent of three or four. On another occasion he ordered a holding normally leased for  $1\frac{2}{3}$  solidi to be granted to a monastery for one *tremissis*. It is significant that when corn was required in Sicily for shipment to Rome, it was bought from the *coloni*: Gregory ordered that on such occasions the agents must pay the market price and not fix an arbitrary valuation. On one occasion he instructed the *rector* of the Sicilian patrimony to spend 50 lb. gold on buying corn from outsiders; the *rector* had this substantial sum of money in hand, drawn presumably from rents, but no corn.<sup>80</sup>

Among the Ravenna papyri there are preserved substantial portions of detailed rentals of two *fundi* in the territory of Patavium, dating from the sixth century. The *coloni* all pay money rents, ranging from 8 solidi 8 siliquae to 3 solidi 3 siliquae. They pay in addition, like many Egyptian tenants, what are styled *xenia* or presents in kind, on one estate pork (from 160 to 80 lb.), geese (two), hens (from 16 to 6) and eggs (ten per hen), on the other geese, hens and eggs on the same scale and also honey (from 130 to 70 lb.). These *xenia* are apparently identical with *excepta et vilicilia* which Gregory mentions as an allowable extra charge on his Sicilian *coloni* and the *excepta praediorum sive accessiones* which Pope Felix allotted in their entirety to the bishop of Ravenna 'on account of the expenses of his household and the presents which are offered to various persons and the banquets which he has to give either for the honour and dignity of his position or for the reception of visitors.'<sup>81</sup>

Besides these minor perquisites most great landlords seem to have taken some proportion of their rents in the staple crops. According to Olympiodorus Roman senators drew about three-quarters of their rents in gold, and the remaining quarter in wheat, wine and oil. Lauricius, in his letters to his *actores* and *conductores* in Sicily, deals only with money, but he gives instructions to his *procurator*

to despatch the produce in kind (*species*) to Ravenna or Rome. From many stories of famines it is evident that great landlords held considerable stocks of corn, not only in Rome, but in Antioch, Caesarea and other cities, and these stocks they probably derived from rents in kind.<sup>82</sup>

A constitution of Valens directs that owners of estates should personally or through their *actores* collect the taxes due in respect of their *coloni originales*, but that other *coloni* who owned land of their own and were registered in their own place should pay their taxes direct to the ordinary collector. The second part of the law does not seem to have been mandatory. Egyptian leases frequently contain a clause specifying that all taxes and levies shall fall upon the owner, and Justinian, while regarding it as normal for a free *colonus* to pay his own taxes and get a receipt in his own name, provides for the case where the landlord pays the taxes out of the rent and has the receipt made out to him. The Apion family paid all taxes on their estate, whether the land was cultivated by *adscripticii* or free tenants.<sup>83</sup>

Whether *coloni* normally owed labour services as well as rent is an obscure question. Under the Principate tenants of the great African estates performed labour services on the home farm; the amount varied from six *operae* (presumably days' work) in the year, two in the ploughing season, two in the hoeing and two in the harvest, to twelve, and was a frequent matter of dispute between the *coloni* and the *conductor*. The Codes contain no clear reference to the system. John Chrysostom appears to allude to it in his diatribe against Antiochene landlords who 'impose unceasing and intolerable payments on them (the peasants) and require of them laborious services. . . . What sight could be more pitiable than when, having toiled the whole winter through in frost and rain, spent with work the peasants return with empty hands and even in debt, dreading and fearing more than this ruin and more than hunger the torments inflicted by the bailiffs, the seizures, the demand notes, the arrests, the inescapable forced labour.'<sup>84</sup>

For sixth-century Italy one of the Ravennate rent rolls mentioned above gives more detail. The column containing the descriptions of the holdings and the names of their occupiers is unfortunately missing. The columns containing the rents and *xenia* show one large holding (rent 13 solidi 13 *siliquae*) followed by six others with smaller rents, one at 8 solidi 8 *siliquae*, the rest at 3 or 4. These six smaller holdings also pay weekly work (*pro ebdomada operae*), one, two and three *operae* (presumably a day's work) per week each, in all thirteen *operae*. It is clear that the first holding is the home farm, worked by the *vilicus* with the aid of labour services from the *coloni*.

The *vilicus* would have had two men assisting him every day of the week save one, the *coloni*, if each *colonica* was held by several *coloni*, as on the Saltus Erudianus, would have had to give about one day a week to work on the home farm, a heavy labour service.<sup>85</sup>

On the Saltus Erudianus on the other hand no *operae* are recorded, and the *vilicus* pays one of the lowest rents on the *fundus*. The explanation probably is that the greater part of the original home farm had been let off as a *colonica*, and the *vilicus* cultivated the remainder by himself.<sup>86</sup>

This evidence is a small basis for estimating the importance of *operae* in the colonate, but they suggest that the institution was relatively rare. A system of *operae* would be applicable only to a large *fundus*, with a big home farm and a good number of *colonicae*, and then only if the home farm were not stocked with slave labour. It was probably only on *fundi* where there was a villa where the landlord resided, or had once resided, that there was a home farm to supply his household needs. On many *fundi* the whole area had no doubt from the beginning been divided into *colonicae*, and on many more the home farms were later let off in *colonicae* when they passed into the hands of absentee owners. It is dangerous to argue from silence, but it is significant that among the many abuses which Pope Gregory found to correct on the patrimony of Peter, no mention is made of any connected with labour services, normally a constant source of complaint where they exist. It is also significant that in the abundant documents of the Apion estates—and indeed in the papyri generally—there is no reference to labour services; the agents of the Apion family always deal with rent paying tenants or groups of tenants, and pay wages to any labour that they employ for building or repairs on the estate.<sup>87</sup>

In addition to their rent (with perquisites), their taxes, and labour services, if any, *coloni* were subject to many minor but vexatious exactions from the landlord, or more frequently his agents. When rents and taxes were collected in money a surcharge was made, nominally to compensate for light weight coins. Gregory found that on the estates of the church  $73\frac{1}{2}$  solidi were reckoned to the pound instead of 72, a surcharge of half a carat on every solidus: on the Apion estates  $\frac{7}{8}$  carat per solidus was the rate. Where corn was being measured either for rent and taxes in kind, or for purchase by the estate, a large 'receipt measure' was used. Gregory found that *modii* of 25 (instead of 16) *sextarii* were in use, and forbade any larger than 18 to be employed. On the Apion estates Serenus the agent agreed to pay his employers 15 *artabae* extra on every 100 in view of the advantage gained by the estate's 'receipt measures'. On the estates of the church, when corn was bought from the

*coloni* by the agents, they fixed an arbitrarily low price. *Coloni* on the patrimony of Peter paid substantial fees (Gregory limited them to one solidus) for marriage licences, on what precise legal ground is not known, but presumably they found it worth while to cover themselves against eventual vexatious claims on the ground that they had married outsiders or slaves. In one way or another agents evidently counted on making considerable profits on the side: Serenus the deacon would hardly have paid the Apion estate twelve solidi for one year's appointment as subagent (*προνομητής*) if he had expected to gain only the salary of a subagent, 2 solidi and 24 *artabae* of wheat (equivalent to another  $2\frac{1}{2}$  solidi).<sup>88</sup>

In 325 Constantine enacted that a *colonus*, if his landlord exacted 'more than had been the previous custom, and than had been exacted in earlier times', might apply to any judge, and if he proved his case, the rent would be restored to the old level, and any overpayment refunded. This right of action was expressly preserved for *coloni adscripticii* in 396, and Constantine's law was republished in Justinian's Code. No such rule can have been in force during the inflationary period of the third and early fourth centuries; for agricultural rents, if payable in denarii, would in that case have become nominal. By 325 most rents, if not in kind, must have been reckoned in gold. The rule presumably applied only to a sitting tenant: it certainly did not affect short-term leases such as are recorded in the Egyptian papyri. It was probably not a very effective protection even for the tied *colonus*. It is rather a suspicious circumstance that in one of the Ravennate rent rolls the rents are all multiples of one solidus plus one *siliqua*: it looks as if these rents had all been raised by a *siliqua* in the solidus. Moreover on two holdings an extra 20 *siliquae* has been inserted in smaller letters between 3 solidi and 3 *siliquae*. It is however probable that by and large the rents of tied *coloni* remained at the customary figure, and that landlords made what extra profit they could by extorting perquisites, using special 'receipt measures' and the other similar devices already described.<sup>89</sup>

For the level of rents we have no evidence except from Egypt. There in share cropping leases the division is almost always half and half on arable, the owner paying the taxes, but sometimes getting some extra perquisites. On vineyards and orchards the owner's share is usually two-thirds, sometimes three-quarters. In leases of arable where the rent is payable in kind, a normal rent is five *artabae* to the *arura* (taxes on the owner): there survive six leases at this figure, one at seven, two at six, and two at four. This is evidently for good average land; there are half a dozen leases at much lower figures, ranging from  $2\frac{1}{2}$  to 1 *artabae*. Five

*artabae* as we have seen is probably roughly equivalent to half the crop. As wheat normally sold at 10 *artabae* to the solidus these figures imply a gold rent of about half a solidus per *arura*. Very few leases survive in which the relevant figures are preserved, and they vary considerably: there are two of slightly over half a solidus (13 and  $13\frac{1}{2}$  carats), two of rather under (about  $9\frac{1}{2}$  carats), one of as much as  $19\frac{1}{2}$  carats (equivalent to 8 *artabae*) and one at as little as  $3\frac{1}{4}$  carats.<sup>90</sup>

In these leases the landlord usually does nothing for his tenant but merely draws the rent. The Apion family on the other hand were progressive landlords, who spent a lot of money on equipping and maintaining their farms, particularly in building cisterns and supplying irrigation machinery and oxen to work it. They expected very much higher rents. From one document it appears that on one estate they demanded one solidus an *arura* for arable and three solidi an *arura* for vineyard. These figures seem very exorbitant even if the *coloni* had all their equipment and seed provided free and contributed only their labour, and in fact the tenants concerned did object, and refused to work the land except on a flat rate of one solidus for arable and vineyard alike. As we cannot calculate their overheads, we cannot tell how much the Apions got net per *arura*, but probably well over the half solidus with which the ordinary landlord was content.<sup>91</sup>

In other parts of the empire rents of arable land must have been substantially lower. In many areas the yield per acre sown was lower, and almost everywhere only half the area could be used each year for growing corn, and the other half lay fallow or yielded only a lighter or less valuable crop. In terms of labour also many more hours of work were required to cultivate the same area by the farming technique practised in other Mediterranean lands. On vineyards and olive yards on the other hand the yield would have been as good in other Mediterranean lands as in Egypt, and the quality and price of the crops in many cases better. On imperial estates in Africa in the second century the tenants usually paid one-third of all crops alike, corn, wine or olives: this flat rate may have been intended to encourage tenants to adopt the more profitable types of cultivation. On these figures the rent of a mixed farm in Africa, one-third of all the produce, would have been about half that of a comparable farm in Egypt, where vineyards and orchards paid two-thirds or three-quarters, and arable half.

It would be unwise to generalise on the condition of the peasantry

under the later Roman empire. The kulak was not unknown, not only among free peasants but also among *coloni* and even among agricultural slaves. A good example of an enterprising and prosperous peasant proprietor is Aurelius Sacaon of Theadelphia, many of whose papers have come down to us. He owned a fair-sized holding, more than 20 *arurae*, and leased other land in addition; in 331 he was renting 16 *arurae* from Aurelia Rufina, a lady of senatorial rank who owned land in the village. He also went in for stock farming. In 306 he leased a considerable flock (62 sheep, 13 rams and 59 goats) from two civil servants; the agreement was for five years and was on a *métayage* basis. He eventually in this way built up a flock of his own: in 342 he complained of the theft of 82 of his sheep. Some *coloni* of the *res privata* could afford to buy not only their own holdings but those of their neighbours; the emperor directed that in such a case the land should be sold to the *coloni* jointly, to prevent the rich *colonus* from exploiting the others. Celerinus and Ampliatus, the slaves of the Roman church, one of whom accumulated enough land to pose as a decurion, while the other rose to be a *conductor*, have already been mentioned. Peter, an *originalis* of a *massa* of the Roman see, was appointed a *defensor* of that church.<sup>92</sup>

The legal restrictions on the peasants' freedom must not be exaggerated. Freeholders *de facto* enjoyed full liberty, and so also did free tenants. Tied *coloni* could in the fourth century legally escape from their condition only by joining or being conscripted into the army, and in the fifth century this last loophole was stopped. In spite of the legal position, however, it is fairly evident that many sons of *adscripticii* did, either with the landlord's connivance or by stealth, make their escape into another walk of life, and some did very well. Theodosius II found it necessary to instruct his *magistri militum* not to admit *censibus adscripti* to their *officia*, and Valentinian III allowed thirty years' prescription to extinguish even the claims of the crown because high palatine civil servants were being blackmailed as being descended from *originales*. The church also offered an avenue of escape. *Adscripticii* and slaves could not, it is true, be ordained without their lord's consent, but such consent was often given for them to serve the local church of the estate. Most slaves and *adscripticii* no doubt did not rise above the position of rural parish priests, but some may have found promotion; Justinian ruled that the episcopacy extinguished *adscriptician* or servile status.<sup>93</sup>

Apart from the lucky few who achieved affluence as farmers or broke their bonds and rose to good positions in church and state there must have been many who lived not too uncomfortably.

The *coloni* of the Saltus Erudianus and its unnamed neighbour evidently kept pigs, geese, fowls and bees on a fair scale, and must have enjoyed a reasonably varied diet. Many of the *coloni* of the Roman church in Sicily apparently owned more valuable stock; for Gregory, having succeeded in recovering from the *conductores* sums illegally extorted from the *coloni*, ordered Peter, the *rector*, to use the money in buying cows, sheep and pigs and distributing them to the poor and indigent *coloni* in each *massa*, of whom he was to draw up a list. We know of *coloni* prosperous enough to own slaves of their own; bishop Remigius inherited one from one of his *originarii* and another from his swineherd.<sup>94</sup>

But taken as a whole the peasantry were an oppressed and hapless class. Enough has been said already of the many ways in which they were exploited by the tax collector, if they were freeholders, and by the landlord's agent if they were tenants. In times of shortage it was they who were the first to suffer. It is significant that on a number of occasions we hear of peasants in a period of bad harvests flocking to the towns to beg for bread. Ambrose comments bitterly on the expulsion of all non-residents from Rome during famines, and tells how one enlightened prefect of the city refused to take this step, protesting to the wealthy aristocrats: 'if so many cultivators are starved and so many farmers die, our corn supply will be ruined for good: we are excluding those who normally supply our daily bread'. Eventually his arguments prevailed, a fund was raised and corn bought for distribution. Libanius tells us of a similar situation at Antioch in 384. 'Famine had filled our city with beggars, some of whom had abandoned their fields, since they had not even grass to eat, it being winter, and some had left their cities'. In this case Eumolpius, the consular of Syria, gave relief from public funds, but Icarius, the *comes Orientis*, refused Libanius' plea for additional help.<sup>95</sup>

At Edessa in the third quarter of the fourth century there was great famine and all the country folk were starving. Ephraim Syrus begged the rich men of the town to subscribe, a fund was raised, bread was distributed and an open-air hospital of 300 beds established in the colonnades of the streets for the bad cases. In the early sixth century there was another famine at Edessa, and once again the country people crowded into town. Demosthenes, the governor of Osrhoene, went up to Constantinople to ask for aid. Meanwhile his deputy, Eusebius, did what he could by releasing grain from the public granaries, but the sufferers had no money to buy the bread, and wandered about the streets scavenging for scraps. At length Demosthenes returned with funds, and distributed a pound of bread per day free to the destitute,



to whom he issued leaden tickets. He also walled in the colonnades and provided straw and mats on which the refugees could sleep, and organised a hospital service. But despite his efforts there was a severe outbreak of illness in the spring and many died.<sup>96</sup>

What is particularly significant in these stories is that at a time when the peasants were reduced to eating grass, corn was available in the cities, either in the government granaries or in private hands. If the harvest failed, the tax collector and the landlord extracted his due, and the peasant had to surrender his crop in kind or sell it to obtain the necessary cash, even if he was left with nothing to feed himself and his family.

Such ruthless efficiency was achieved by the use of force. Theodoret tells a story of tax collectors descending on a Syrian village of peasant proprietors, and when they protest that they cannot pay the 100 solidi demanded, beating them and putting them in chains; he makes no comment on this routine procedure. Ammianus remarks on the stubborn character of the Egyptians: 'among them a man is ashamed if he cannot display many weals on his body, earned by refusing his taxes'. Resistance was futile, for behind tax collector and landlord lay the armed force of the state. In 386 Libanius protested against the grant of military assistance to landowners against their tenants: 'some treat these too like slaves, and if they do not approve of their extortionate demands upon them, a few syllables are spoken and a soldier appears on the estate with handcuffs and the prison receives them in chains'. A century later great landlords were keeping their own bands of armed retainers (*bucellarii*) and had their own private prisons.<sup>97</sup>

On the whole the reaction of the peasantry to this kind of treatment was singularly passive. In Africa there was for a time in the mid-fourth century a resistance movement, inspired by Donatism, which was widespread among the peasants, against landlords and moneylenders (no doubt often the same persons), who tended to be catholics. 'When Axilo and Fasir were called "leaders of the saints" by these madmen,' writes Optatus, 'no one was allowed to be safe on his own estates, bonds for debt lost their force, no creditor in those days had freedom to demand payment, everyone was terrified by the letters of those who boasted that they were "leaders of the saints".' In Augustine's day, however, Donatist *coloni* obediently paid their rents to the catholic senators who were their landlords.<sup>98</sup>

Only in Gaul, and later in Spain, are sustained and widespread peasant revolts recorded, those of the so-called *Bacaudae* (probably a Celtic word). The *Bacaudae* were already in Diocletian's reign formidable enough to demand regular and prolonged military operations by Maximian for their suppression, and their leaders

Aelianus and Amandus were considered important enough to be called usurpers.

In the early fifth century (in 417, 435-7 and 442) there were widespread revolts which had to be suppressed by full-scale military operations. By the middle of the fifth century the movement had spread to northern Spain, where two successive *magistri militum* operated against the Bacaudae of Tarraconensis in 441 and 443, and in 454 the Roman government employed the Visigoths to suppress them. Little enough is known of the character of these movements. Some were no doubt mere jacqueries, and the term Bacaudae was applied to common brigandage, such as was no doubt endemic in the Alpine passes and the Spanish highlands. But in Armorica the movement was more organised. Not only were the Roman officials expelled and landlords expropriated but an army was created and courts of justice set up.<sup>99</sup>

Elsewhere the oppressed peasantry had two resources only if things became intolerable. They could run away and seek employment as *coloni* of some other landlord: or they could buy the support of a powerful patron, a military officer who could employ the armed forces of the state to protect them or a great landlord who could likewise operate the state machine in his interests, or at a pinch defy it with impunity. And in such cases the last state of the peasant was usually worse than the first.

It is generally agreed that there was a decline in agriculture in the later Roman empire, but little attempt has been made to estimate how serious it was, and on its causes debate has been inconclusive, whether it was due to the general exhaustion of the soil, to shortage of agricultural manpower, or, as contemporaries believed, partly to barbarian invasions and depredations but predominantly to over-taxation.

That the area of land under cultivation shrank considerably cannot be doubted. Abandoned lands (*agri deserti*) are a constant theme of imperial legislation from before Diocletian's time to that of Justinian. The problem first appears in the late second century, when the emperor Pertinax issued an edict, inviting all and sundry to cultivate deserted land, whether private or imperial property, in Italy and the provinces, and promising them ten years' immunity from taxes and full ownership. This may have been a temporary crisis, due to the ravages of the great plague which began under Marcus. In the late third century Aurelian decreed that the councils of the cities were to be responsible for the taxes of deserted lands in their territories. Constantine renewed this law, but

added that where the councils were not equal to the burden, the tax obligations of abandoned land should be distributed to estates and territories, immunity for three years being granted.<sup>100</sup>

The imperial government was evidently more concerned that the taxes should be paid than that the land should be cultivated. Its methods of achieving this aim remained those employed by Pertinax, Aurelian, and Constantine. The deserted lands might be granted or sold or leased on favourable terms, including a firm title and temporary immunity. They might be compulsorily allocated, with their tax burden, to the governing body of the community in whose territory they lay, which could in its turn either try to get them cultivated or merely raise a supplementary levy on the other landowners to pay the taxes due on them. Or again they might be compulsorily allocated to individual landlords, who made what they could out of them but were responsible for the full tax. These methods could be combined in various ways, and rather different rules were applied to state lands and private lands, but the same general principles were followed throughout the fourth, fifth, and sixth centuries. The one thing which the government was reluctant to do, though occasionally it was forced to make this concession, was to write off deserted lands permanently.

The problem of imperial lands was administratively simpler. The government would offer emphyteutic or perpetual leases, with a few years' initial immunity, insisting that grantees must hold good land of their own to guarantee the rent: in 337 it was enacted that anyone who bought the good private land of an emphyteutic lessee of bad imperial land became responsible for the emphyteutic lease. The emperors also frequently ruled that in any lease, for a term of years or in perpetuity, bad lands must be mixed with good, and that lessees must never be allowed to take productive land only.<sup>101</sup>

In the fourth century the government used private lands deserted by their owners to provide allotments for veterans, and in 368 Valentinian gave a general licence to veterans to cultivate waste lands, forbidding the owners to appear at harvest time and claim *agraticum*. In the same year deserted lands in Italy were sold by auction for what they would fetch and other lands were granted gratis to anyone who would take them, with three years' immunity. In 386 the owners of deserted land were promised remission of arrears and invited to return: if they failed to claim, the land was granted to any applicant who was willing to pay the taxes. A few years later the former owner was allowed to reclaim his land within two years, provided that he indemnified the new occupant for improvements. In 405 a less generous offer was made; the

old owners could reclaim their lands only if they paid the arrears, and new applicants had to pay off the arrears by way of purchase price. In 412 the government had to offer better terms. Lands which could not pay their full tax had their assessment reduced, and the former owners or their heirs, or failing them willing neighbours who reoccupied them, were given two years' immunity.<sup>102</sup>

The practice of allocating waste private lands, or the taxes due for them, to the community is frequently attested in the papyri. We possess the proceedings of a lawsuit, held in 340, between two women who had abandoned their property and the villagers of Caranis, where their land was situated. 'What could the *praepositus pagi* do?' says counsel for the villagers. 'Taking thought for his own security and the public revenues at the same time, he went to the village and gave the land to the peasants to cultivate.' There are a number of leases of land by village headmen for the amount of the taxes only or for an exceptionally low rent; these lands had evidently been assigned to the village or city, and are sometimes stated to be 'from insolvent names' on the tax register (*ἀπὸ ἀπόρων ὀνομάτων*). We also meet with levies 'for insolvent names', made presumably when the land could not be made to yield the necessary revenue. Saint Saba asked Anastasius to remit such an extra levy to Jerusalem. 'The successive *tractatores* and *vindices* of the Palestine revenues,' he explained, 'being pressed for 100 lb. gold which could not be collected from insolvent or difficult names, were forced to impose the payment of this sum on the taxpayers of Jerusalem according to the means of each.' The practice seems to have been known technically in the sixth century as *διαγραφή*.<sup>103</sup>

The government naturally did not allow a landlord to claim remission of tax on one of his estates if he owned others from which he could pay the tax on the deserted farm. If he asked for relief, he had to allow all his farms to be inspected by a *peraequator*, who decided whether the good land could support the bad. Similarly heirs were obliged to accept bad land with good, or else to renounce the entire estate. The same principle was applied to the territories of cities. When a city requested a *peraequator*, all its territory was inspected and bad land was set off against good. The *peraequator* seems to have achieved this end by allocating deserted estates to neighbouring owners of good land. The practice seems to have been fairly common in the fourth century; Valentinian in 365 stated that 'in Italy the burden of abandoned acreage is imposed on the existing estates and there is no doubt that every tax-payer is oppressed by the addition of the debts of others'.<sup>104</sup>

In 412, however, the principle was laid down that no owner of good land was to be burdened by the arrears or insolvency of

others, but was liable only when the deserted land was part of the same property which he held. The rule was later extended to any collection of lands which had once been under common ownership. We possess an edict of the praetorian prefect Demosthenes (521 and 529), issued to the governor of Lydia, which elaborates this principle. In the case involved, probably an actual one, the owner of a group of estates, A, having alienated one of them to an outsider, X, left the rest to his heirs, B, C, D. One of them, D, alienated part of his share to another outsider, Y. Later Y could not pay his taxes and abandoned his land. On whom does the burden fall? First on D, the vendor; then, if he fails, on his co-heirs B and C; and finally, if they fail, on X, the purchaser of an estate originally belonging to A. It is little wonder that vendors of land guaranteed prospective purchasers against *ἐπιβολὴ δμοδούλων*.

The law of 412 remained on the statue book, being incorporated in Justinian's code, but the government seems to have ignored its provisions. Under Anastasius and Justinian we hear not only of *ἐπιβολὴ δμοδούλων* but also of *ἐπιβολὴ δμοκλήσεων*, and the latter term can only mean that deserted estates were compulsorily allocated not only to owners of lands which were or had been under the same ownership (*δμοδουλα*), but, if these failed, to owners of lands registered in the same census district (*δμοκληνσα*).<sup>105</sup>

Another principle on which land was allocated to individuals was laid down in 365. If a landowner petitioned the crown for the slaves on a deserted estate or harboured runaway slaves from it, he was made responsible for its taxes. In the sixth century this principle was extended to landlords who received runaway *colon* from deserted estates.<sup>106</sup>

Justinian includes in his routine mandates to provincial governors instructions on how to deal with the lands of owners who disappeared or could not pay their taxes. They are to be assigned by decree of the governor with appeal to the praetorian prefect; the governor may refer the case initially to the prefect if in doubt, the estate being sequestered in the meanwhile. We have complaints about *agri deserti* from Africa under Justin II and from Sardinia under Maurice. The abandonment of land by its owners thus continued throughout the three centuries which followed Diocletian's accession. How large the total was, and what proportion it bore to the land still cultivated it is more difficult to say, for reliable figures are few.<sup>107</sup>

Julian assigned tax free to the council of Antioch nearly 3,000 *iuga* of uncultivated land; as the territory of Antioch must have comprised well over 60,000 *iuga* the proportion is low, less than 1 in 20. Valens gives precise figures for the *fundi iuris reipublicae*

recently confiscated from the cities of the province of Asia; there were 6,736½ fertile *iuga* as against 703 'deserted and now in bad condition and sterile, which are supported by those which we have stated to be fertile'. The proportion is less than 1 in 10. In 395 Honorius wrote off 528,042 *iugera* in Campania as deserted and in bad condition; the area of the province of Campania is not known exactly, but the proportion of deserted land would have been perhaps 1 in 10.<sup>108</sup>

In 422 Honorius wrote off the deserted lands of the *res privata* in Africa Proconsularis and Byzacena. Here he gives precise figures, which are startling. In the Proconsular province there were 5,700 *centuriae* 144½ *iugera* deserted to 9,002 *centuriae* 141 *iugera* in good condition, a proportion of over 1 in 3; in Byzacena 7,615 *centuriae* 3½ *iugera* deserted to 7,460 *centuriae* 180 *iugera* in good condition: more than half the land was deserted. In 451 Valentinian III granted to African landowners expelled by the Vandals the deserted lands of the province of Numidia, which amounted to about 13,000 *centuriae*; here the precise proportion cannot be determined but must have been of the same order as that prevailing thirty years before in the two neighbouring provinces. Finally Theodoret, writing to the praetorian prefect Constantine in 451, gives figures for his city of Cyrrhus. The whole territory comprised 62,000 *iuga* of which 15,000 paid in gold through the *comitiani*, the remainder in kind through the *curiales*. The *comitiani* had got the 2,500 deserted *iuga* in their share transferred to the *curiales* in exchange for 2,500 good *iuga*. The proportion is here 1 in 6.<sup>109</sup>

So far as these scattered figures go, the situation seems to have progressively deteriorated, but had not in the East become disastrous by the middle of the fifth century, with only about one-sixth of the land abandoned. In Africa the loss was already of catastrophic proportions—a third to a half—in the first quarter of the fifth century.

The main objection to the theory of the exhaustion of the soil is that *agri deserti* seem to have been as frequent in Egypt, where fertility was annually renewed by the flood over most of the cultivable area, as in the rest of the empire. It is also significant that the imperial government persisted in believing that deserted lands could be brought back into full production if the occupier were remitted his taxes for a few years and spent some money on improvements. It is even more significant that former owners shared this belief, and would reclaim land that someone else had improved. While it is not unlikely that some land was exhausted by persistent over-cropping, in general the deserted or sterile

estates seem to have been suffering from temporary neglect only. The orator who thanked Constantine for his remission of taxes to the *Civitas Aeduorum* in 311 makes this point clear: it was because the peasants, burdened with debt, could not afford to maintain the drains and cut back the encroaching scrub that once fertile lands had reverted to marsh and *maquis*.<sup>110</sup>

A more important factor than exhaustion of the soil may have been denudation. In Mediterranean lands, if the forests on the uplands are cut and not replanted or allowed to renew themselves naturally, the heavy seasonal rains wash away the soil. What have been perennial streams, watering the lower areas, become occasional torrents, which often ruin the plains below by covering them with the stones and boulders which they wash down when they are in spate. Denudation went on continuously during antiquity in many areas, and in many has continued to the present day. The ancients regularly cut timber, mainly for ships and for roofs: the large number of timber-roofed churches of basilican form which were built in the late empire must have called for the felling of many large trees. They never thought of replanting forests, and they checked their natural renewal by grazing goats, who eat the young saplings before they have a chance to grow: the well-wooded hills and perennial streams of Mount Athos, where goats have been excluded for a thousand years, are a striking contrast to the arid and rocky landscape of other parts of Greece. Under the Roman empire the innumerable baths must also have contributed to deforestation by their immense consumption of fuel, mostly saplings.

The difficulty is to know how far the process of denudation had gone in the fourth, fifth and sixth centuries. From contemporary authors and from descriptions given by the Arab geographers it would appear that many areas now deforested and denuded were in a flourishing condition not only in the late empire but in the medieval period. Archaeological evidence shows that in areas now utterly treeless large buildings were still being roofed with timber in the sixth century. Some areas were no doubt already suffering from denudation under the later empire, but the bulk of the damage seems to have been done in later ages.

Shortage of manpower is a more plausible explanation for the abandonment of land. Landlords seem to have been perennially short of tenants. They welcomed allocations of barbarian prisoners, and persistently, despite the heavy penalties, harboured runaway *coloni*. The whole course of legislation which tied the *coloni* to their farms confirms this impression; it was at the demand of landlords that the system was maintained and extended. It is a

measure of their anxiety to retain their tenants that the Roman senate in 397 vehemently and successfully opposed the conscription of recruits from their estates, and accepted as a preferable alternative a payment of 25 solidi per man. Such figures as there are suggest the same conclusion. The early fourth century census lists from Tralles, Magnesia on the Maeander and Astypalaea record the *ingatio* of farms and the *capitatio* of slaves and *coloni* registered on them. The ratio at Astypalaea and Tralles is 4 *capita* to 3 *inga*, at Magnesia 7 *capita* to 6 *inga* if estates which have no *capitatio* are ignored: if they are included in the count, there are only 5 *capita* to 6 *inga*. The translation of *inga* into acreage and *capita* into human beings is not certain, but these figures probably represent a labour force, including women and children over fourteen, about half of that, consisting of adult males only, recommended by Cato and Columella—fifteen for a vineyard of 100 *ingera*, eight for an arable farm of 200 *ingera*. The landlords no doubt employed both tenants and casual labour not registered on their estates, but even allowing for this the shortage of agricultural manpower is striking.<sup>111</sup>

Some deserted estates were undermanned; among the improvements which a grantee might make was the restocking of the land with slaves. The landowners of Africa complained to Justin II that as a result of his predecessor's legislation many of their *coloni* had migrated elsewhere, and that these estates had since remained desolate, to the detriment both of the owners and of the treasury. It was reported to Gregory the Great that many of the tenants of the church of Caralis had moved to the lands of private owners, with the result that 'the estates of the church, their own cultivators being occupied elsewhere, are falling into ruin and are incapable of paying their taxes'. But some owners abandoned estates leaving slaves or *coloni* on them, whom neighbouring landlords claimed from the crown as ownerless property or illicitly took over. It would seem that shortage of manpower was not at any rate the sole or main reason for the abandonment of land. It does not appear to have been important until after the great plague of Justinian's reign, which according to Procopius 'swept over the whole world and especially the Roman empire and destroyed the greater part of the peasantry, with the result that estates naturally were deserted'.<sup>112</sup>

Another factor which must have played its part, though we have no means of assessing its importance, was insecurity. The constant pillaging expeditions of the Germans across the Rhine and Danube must have made many landlords in the frontier provinces give up hope, while in the East the raids of the Isaurians



in eastern Asia Minor, the Saracens in Syria, the Blemmyes and other nomads in Egypt and Cyrenaica, must have had the same effect. In Africa too the nomads were encroaching; in the reign of Valentinian I they made havoc in Tripolitania, and their activities no doubt contributed to the ruin of Byzacena and Numidia in the early fifth century. The African provinces were also at this time suffering from the attempts of the imperial government to stamp out Donatism; many Donatist peasants must have abandoned their farms and joined the circumcellion bands. Moreover, in 453, when 13,000 *centuriae* were deserted in Numidia, the Vandals had just evacuated that province, and had doubtless taken with them most of the stock and movables. This was doubtless one of the reasons why Africa was in an exceptionally bad case in the second quarter of the fifth century.

Contemporaries generally attribute the phenomenon to heavy taxation. According to Lactantius it was because the resources of tenants were exhausted by Diocletian's exorbitant indictions that fields were deserted and cultivated land went back to scrub. The spokesman of the *Civitas Aeduorum* similarly attributes the ruin of the land to the poverty of the cultivators, and expects that all will be well as a result of Constantine's reducing the assessment of the city. More significant is the matter-of-fact statement of the lawyer in the Egyptian lawsuit of 340. 'The father of the defendants owned lands in the village of Caranis . . . he cultivated them well and pocketed the profits from them and at the same time paid the public taxes on them to the most sacred treasury . . . but it appears, to make a long story short, that the father of the defendants died leaving as his heirs his daughters, i.e. the defendants, and they, not being able to stand up against the taxes demanded for the same lands, fled.' Conversely when Julian granted 3,000 uncultivated *inga* to the council of Antioch tax free, both he and they regarded this land as a valuable asset: they, according to Julian, allocated it corruptly to those who least needed it, he granted it to the decurions who were saddled with the most expensive liturgies. Similarly, veterans who received deserted lands tax free were deemed to be well rewarded.<sup>113</sup>

It is assumed throughout the imperial legislation that the deserted lands are owned by landlords, who cultivate them through slaves or *coloni*: it is to be inferred in the Caranis case that the reason why the two daughters could not face the taxes which their father had regularly paid was that he cultivated the land himself, and they had to let it to a tenant.

It would appear then that on some land the taxation was so heavy that the owner could not make a profit on it, or at any rate

so little that he could not afford the expenses necessary to keep it in good condition, in particular the maintenance of drainage and irrigation: or that he squeezed his tenants so hard that they could not afford the charges of upkeep. Whether land was cultivated or not depended then on the margin between the gross rent which the landlord could extract from it, and the taxes which he or his tenant had to deduct from the rent.

The rent would obviously depend on the quality of the land and its agricultural use, as olive groves, vineyards, arable or pasture. The tax also in some dioceses varied according to these factors. In Syria there was an elaborate system of classification into olives, 'old' and 'mountain', vineyard, three qualities of arable and pasture. The fiscal unit, the *iugum*, was made up of varying areas of each. Syria seems, however, to have been exceptional. In Asia the only distinction recognised was olives, vineyard, arable and pasture, with no classification by quality. In Egypt taxation was assessed by the *arura*, with differential rates only for vineyards, orchards and the like. In Africa the system was even more rough and ready, land being assessed by the *centuria* of 200 *iugera*, apparently without regard to use or quality, and in Italy the *millena* seems to have been a simple unit of area. In Syria therefore the tax would, in so far as the land was correctly classified, vary with the rental value, while in Africa all land would pay the same tax whether it produced a high or a low rent. This may partly explain why the proportion of deserted land was so much higher in Africa than in Syria.<sup>114</sup>

For taxation in Egypt we possess one document of paramount value, the sixth-century assessment of the city of Antaeopolis. Here the whole tax in corn and in gold, including all supplementary payments, amounts to 61,674 *artabae* of wheat and 10,322 solidi on 51,655 *arurae*, nearly all arable; vineyards come to 2,578½ and gardens to 1,600. This works out at about 1½ *artabae* and 4¾ carats per *arura*; if the whole tax be translated into gold 7⅔ carats, or if it be reckoned entirely in wheat 3½ *artabae*. If landowners in general paid at this rate they had a small margin between rent and taxes even on good arable, less than two *artabae* per *arura* if the rent was five, or in gold a little over 4 carats, or ⅙ solidus. Enterprising landlords like the Apions, as we have seen, probably extracted a higher rent from their tenants, and it is likely that they paid less tax in gold by avoiding supplementary payments. But poor arable land which was let at 3 *artabae* or less would have involved the owner in a loss if he paid normal taxes. For vineyards, orchards, palms, olives and pasture we cannot judge, as we have no figures.<sup>115</sup>

For the rest of the empire we possess one document only. It deals with the grant by Justinian to the catholic church of Ravenna of the lands which had been held by the Arian church of that city and had been confiscated to the *res privata*. The first part, which appears to enumerate the various estates with their rentals and taxes, is too fragmentary to be intelligible. The summary has however survived intact and reads:

|                                  |                   |       |
|----------------------------------|-------------------|-------|
| ac sic fieri                     | sol(idi) n(umero) | 2171½ |
| pensio                           | sol(idi) n(umero) | 932½  |
| fiunt                            | sol(idi) n(umero) | 1239  |
| in (can)on(e) praefect(or)um     | sol(idi) n(umero) | 1153½ |
| in titul(is) largition(al)ib(us) | sol(idi) n(umero) | 85½   |

This appears to mean that the gross total of the rents is 2,171½, of which the net rent (*pensio*) is 932½: the remainder, 1,239, is made up of the taxes payable to the praetorian prefect (1,153½) and those due to the *largitiones* (85½); and for the payment of these the representatives of the catholic church give a bond. In sixth-century Italy, then, it would appear that taxes absorbed 57% of the gross rental, even on church lands which paid no *superindicta*, *extraordinaria* or *munera sordida*. On poor land which was fully taxed the landlord's margin must have dwindled to nothing.<sup>116</sup>

The figures, then, for what they are worth, support the assertions of the literary authorities up to a point. By the sixth century the taxes on land seem to have been set so high as to make it unprofitable for a landlord who paid full rate to keep low quality land under cultivation: on such land his margin, if any, was so small that he could not afford the expenses necessary to keep it in good condition. The effect of taxation was most disastrous where it was a flat rate on area, and where the amount of marginal land, which was thus overtaxed, was a high proportion of the whole. Both these conditions were fulfilled in Africa; hence the phenomenal scale on which land was abandoned in Africa, Numidia and Byzacena, especially the last, where the rainfall is lowest and most irregular, and cultivation depends on careful water conservation.

The extent of the evil must not be exaggerated. One must remember that even in the sixth century there must have been vast areas of fertile land which yielded not only the ample revenue which the empire still enjoyed, but provided the large incomes of the senatorial magnates and the great sees, not to speak of countless humbler folk. The demand for land as an investment remained keen. Claimants persistently bombarded the office of the *res privata* with petitions for estates alleged, truly or falsely, to have lapsed

to the crown. Land seems always to have found ready purchasers, and the prices recorded are high. Once again most of our figures come from Egypt and are for arable. The lowest figure is 4 solidi for  $1\frac{1}{4}$  *arurae*; in another case one *arura* is sold for 4 solidi and in another 8 *arurae* (with  $\frac{5}{8}$  of uninundated land) for 40 solidi. The highest price recorded is 6 solidi for one *arura*, in the sixth century, but in this conveyance an exceptionally low tax, half an *artaba* of wheat and  $1\frac{1}{2}$  carats in gold, is specified; the land must have been fraudulently assessed. In this last case despite the high price the return on capital is, owing to the low tax, quite high,  $6\frac{1}{2}\%$  if the land was let at 5 *artabae* or half shares. Land bought for 4 or 5 solidi, if let at that figure and fully taxed, would yield only  $4\frac{1}{2}$  or  $3\frac{1}{2}\%$  on capital.<sup>117</sup>

We have one figure only from outside Egypt. In a conveyance dated 539 twenty *ingera* at Faventia in northern Italy are sold for 110 solidi: they are specified to be 'culti optimi arbustali' (*sic*), by which is presumably meant orchard or olive yard. This price,  $5\frac{1}{2}$  solidi to the *ingerum* (equivalent to 6 solidi for the *arura*) seems low for land of the type, but we do not know how highly it was taxed. The contrast with Italian land prices under the Principate is instructive. Columella, assessing the profitability of converting arable to vineyard, estimates the cost of the land at 1,000 sesterces the *ingerum*, which is equivalent in gold value to about 17 solidi. He is probably, for the sake of his argument, pitching the price rather high, but the passage implies that one might have to pay as much for good arable land. There were in Columella's day factors which tended to push up the price of Italian land beyond its strictly economic value, for the senatorial and equestrian nobility were still mainly Italian by origin and domicile, and were competing to invest in Italian land the profits they acquired from governing the empire. This no longer applied in Justinian's reign. But the main difference between the first and the sixth century was that in the first Italian land was tax free, and in the sixth it bore the same high taxes as the rest of the empire.<sup>118</sup>

To summarise the problem, it would seem that a considerable and growing proportion of the land was abandoned by landlords during the period of the later Roman empire. The area abandoned probably did not in most areas exceed say 20%, and the land involved was mostly of poor quality. Land of good and average quality continued to yield enough to pay not only taxes but rent, and remained in strong demand, commanding such high prices that the return on investment in land was low, in the range of 4%. There is no evidence that there was general exhaustion of the soil, or that much land had been ruined by denudation, only that

marginal land fell back into waste through lack of proper maintenance. The abandonment of land may have sometimes been due to shortage of agricultural labour and in some areas to insecurity, but in the main it was caused by the high and increasing rate of taxation, which reduced the landlord's net rent on marginal land to vanishing point.

The actual fall in agricultural production would not have been so great as the figures of abandoned land suggest, for in the first place this land was the poorest, and in the second place some of it, though booked as *deserta* or *sterilia*, continued to be cultivated by the landlords to whom it was assigned; for even if it yielded no profit, it might be made to produce enough to pay a part at least of the taxes due for it. Finally, we must set against the areas lost to agriculture the hitherto unproductive land which was developed under the later empire. East of Antioch, in what is now desert, there are ruins of scores of well-built and evidently once prosperous villages. They were all built in the fifth and sixth centuries, and there is no trace of earlier occupation. They depended, as their many presses show, on the cultivation of the olive. Here at least agriculture advanced, and it may have done so in other areas where the archaeological evidence has been obliterated by later occupation.<sup>119</sup>

## CHAPTER XXI

### INDUSTRY, TRADE AND TRANSPORT

THE Roman empire in many ways provided conditions favourable to commerce. It formed a vast common market, stretching from Britain to Egypt, and even when it was administratively divided no political barriers were set up against trade: the embargo which Stilicho placed on merchants from the Eastern parts during the latter part of his rule was quite exceptional. Even when the Western parts were broken up into barbarian kingdoms trade seems to have remained free from political difficulties. In the early seventh century there were still Alexandrian merchants who specialised in the Gallic trade (*Γαλλοδρόμοι*), and at the other end of the route at Marseilles there were still in the late sixth century regular imports of papyrus, which must have come from Egypt, as well as of oil, which probably came from Africa: wines of central Italy and of Gaza were also imported into Gaul. The Alexandrian merchants who specialised in the Spanish trade (*Σπανοδρόμοι*) seem still to have continued their activities in the sixth century: we hear of 'Greek' merchants landing at Spanish ports and coming up to Emerita, and the Visigothic kings were liberal to overseas merchants, allowing them to settle their own disputes between themselves according to their own laws, and to employ local men as agents, provided that they did not take them overseas with them.<sup>1</sup>

There were also no currency difficulties to hamper large-scale commerce. Imperial coins wherever minted were legal tender throughout the empire. Retail trade must have been inconvenienced by the chaotic state of the copper currency in the fourth and fifth centuries, and by the growing shortage of silver in the fifth; the situation was improved in the latter part of the fifth century by the issue at Rome and Carthage and later by Anastasius in the East of large copper coins which had a more or less stable relation with the solidus, and also by the renewed issue of silver by the Vandal and Ostrogothic kings—and later by the imperial government in Italy. For large transactions, however, the solidus from the latter

part of Constantine's reign provided a reliable and stable medium of exchange. Solidi were accepted not only throughout the empire but in northern Europe, where large numbers have been found, and in the Far East. 'The second sign of the sovereignty which God has granted to the Romans', Cosmas Indicopleustes declared, 'is that all nations trade in their currency, and in every place from one end of the world to the other it is acceptable and envied by every man and every kingdom': and Cosmas, having often sailed to India, could answer for one end of the world at any rate. The Western barbarian kingdoms accepted imperial solidi, and most minted their own on the same standard. Only the gold coins of the Merovingians were lighter and were not acceptable in Italy: Gregory the Great asked the agent of the Gallic estates of the Roman church not to remit his rents in local solidi, but to buy clothes and slaves and despatch them to Rome.<sup>2</sup>

There was an excellent road network, and roads and bridges were maintained by the government at the expense of landowners. Harbour and inland waterways were likewise maintained by the state. Security was, to judge by the many records of travel by sea and land which we possess, on the whole good. It was only in limited areas that brigandage was a serious menace—in Upper Egypt the Blemmyes made travel unsafe in the early fifth century, and in eastern Asia Minor the Isaurians at the same period reduced the towns to a state of siege. Piracy was rife from Diocletian's day onwards in the western ocean, but in the Mediterranean little is heard of it until the Vandals went into the business on a large scale.<sup>3</sup>

Tolls levied were not excessive. Within the empire the standard rates seem to have been 2 per cent. or  $2\frac{1}{2}$  per cent. in the fourth century as under the Principate: in the fifth century 5 per cent. is mentioned in Numidia. How frequently they were levied it is difficult to say. In addition to the old imperial inter-provincial customs there were the tolls levied by the cities, which the imperial government took over under Constantine. Laws in the Codes which declare that country people bringing back goods for their own use or for agricultural purposes, or taking in goods for delivery as taxes, are not chargeable with duty, suggest that *octroi* posts at the gates of towns were common, and import and export dues were probably charged at all harbours. These tolls may have been vexatious but were hardly a serious check to commerce. Merchants travelling by sea would presumably have been charged only on the goods which they bought and sold at each port, and not on their whole cargo. Since there was little long-distance trade by land, the local *octroi* dues would have affected only small-scale local traffic.<sup>4</sup>

Valentinian III in 444 imposed on trade another small but vexatious tax, the *siliquaticum*, a levy of one *siliqua* on the solidus (1 in 24) on every sale, payable half by the vendor and half by the purchaser. All sales had to be conducted in the presence of a tax collector, without whose receipt the transaction was invalid, and to make this possible cities were ordered to fix appointed days and places for markets, and no business was permitted except at these. The *siliquaticum*, however, was imposed only on the restricted area which the Western imperial government still controlled in the middle of the fifth century, and survived only in the Ostrogothic kingdom of Italy.<sup>5</sup>

Monopolies are not heard of until the latter part of the fifth century, when Leo and Zeno prohibited them in 473 and 483. The second law forbids the issue of rescripts, pragmatic sanctions or *annotationes* to individuals to have a monopoly of clothing or fish or other kinds of goods, and cancels such rescripts already issued. It also forbids combinations between traders and craftsmen to fix the price of their wares and other such restrictive practices. In Ostrogothic Italy the *monopolium* was associated with the *siliquaticum*, being farmed to the same contractors. It may be conjectured that to facilitate allocation of the *siliquaticum* traders in various classes of goods were licensed, and that they had to pay for the privilege. In the East Justinian, in the interests of public security, created an imperial monopoly in the manufacture of arms: henceforth only the imperial armament factories were to produce them, private armourers were to be drafted into these factories, and the arms produced were to be stored in the imperial armoury, or in the local depots established in certain cities. Justinian also created a *de facto* monopoly of silk fabrics for the imperial factories operated by the *sacrae largitiones*: this he achieved by fixing the price of silk fabrics at a low figure, despite the great rise in the price of raw silk, and thus driving private manufacturers and merchants out of business. He is also alleged by Procopius in the Secret History to have ignored Zeno's law of 483, which he republished in his Code, and granted private monopolies right and left, thereby enormously increasing the cost of living. There is no doubt some germ of truth in this allegation, but like all Procopius' charges against Justinian it is probably greatly exaggerated.<sup>6</sup>

Trade beyond the frontiers of the empire was strictly controlled, mainly for security reasons, and more severely taxed: import and export dues were levied at the rate of 12½ per cent. (*octavae*). In the Eastern empire at any rate foreign trade was subject to the control of the *comites commerciorum*, one for Illyricum, one for Moesia and Pontus, and one for Oriens and Egypt, and had to pass through a



few specified places. Thus Clysma (Suez) was at times the sole authorised port for the Red Sea and Indian trade: at others Iotabe, an island at the north end of the gulf of Aqaba, was also a customs station. Under Diocletian land trade with Persia was canalised through Nisibis. In the fifth and sixth centuries it was limited to Callinicum on the Roman side and Nisibis and Artaxata on the Persian. Controlling the Black Sea trade there was a station at Hieron on the Bosphorus, while commerce across the Danube was usually limited to a few points: Valens specified two only on the lower Danube in 369 and on the Upper Danube his brother in 371 built a 'burgus cui nomen Commmercium, qua causa et factus est'. Various restrictions were placed on exports at various times. Valentinian forbade the export of wine and oil, and Valens of gold, but these restrictions, though preserved in the Code of Justinian, were certainly not observed. Marcian strictly prohibited the export of arms and armour, probably reviving an old rule; iron and bronze had been on the prohibited list in the fourth century.<sup>7</sup>

While conditions were in these ways generally favourable to trade, there were on the other hand important factors which restricted private commerce. In the first place the imperial government, the greatest consumer, made virtually no use of the private merchant, supplying the major needs of its hundreds of thousands of employees by levies in kind upon the producers, by manufacturing some parts of its requirements in state factories, and by conveying the goods thus levied or manufactured to their recipients by means of state transport services.

Transport by sea was the business of the guilds of shippers (*corpora naviculariorum*) controlled by the praetorian prefects or by the *praefecti annonae* of Africa and Alexandria, who were responsible to the praetorian prefects of Italy and the East respectively. They were organised on a diocesan basis: we hear of the guilds of Spain, Africa and Oriens and of the Alexandrian and Carpathian fleets, which represented Egypt and Asiana. Membership of the guilds was hereditary in that it depended on the ownership of land subject to the *navicularia functio*. If *navicularii* alienated such land either by will or bequest, or sale or gift, those who acquired it were obliged to become members of the guild or to contribute to its expenses *pro rata*. This rule applied whatever the status of the new owner, even if the land passed to the *res privata* or to the church: Augustine refused to accept for his church an estate which was burdened with the *navicularia functio* because of the trouble

which it brought to its owner. The rule was of course frequently neglected, and periodically the government reclaimed for the guilds lands whose owners refused to contribute: there was no prescription against the *functio* until in 423 fifty years was allowed to count. Periodically also the government renewed the depleted numbers of the guild by compulsorily enrolling persons with sufficient landed wealth.<sup>8</sup>

The *navicularii* were paid freight for the cargoes which they carried: the rate quoted for the *navicularii Orientis* in 334 for conveying corn from Egypt to Constantinople was one solidus per 1,000 *modii* and 1 per cent. of the corn, as for the Alexandrian fleet. As a solidus would buy 30 *modii*, the rate works out at about 4 per cent. of the value of the cargo, one-third of the commercial rate fixed by Diocletian for the same voyage (12 denarii per *modius*, which was worth 100 denarii, that is 12 per cent.). The payment was not indeed expected to cover their costs—Constantine expresses the hope that ‘encouraged by all this and spending scarcely anything out of their own property they may diligently make frequent voyages’.

The *navicularii* were mainly compensated in privileges which cost the government nothing, exemption from the guardianship of minors (*tutela*) and from the Lex Julia and Papia Poppaea (which restricted inheritance in certain cases), and above all immunity from curial obligations. They were also exempt from customs, even in respect of goods which they were carrying on their own account. When the *corpus Orientis* was revived in 371, members were also allowed remission of land tax, in corn (and probably other foodstuffs) only, not in garments, horses or such levies, at the rate of 50 *ingæ* for each 10,000 *modii* of shipping capacity which they owned; this was for the repair and replacement of their ships.<sup>9</sup>

We chiefly hear of *navicularii* in connection with the shipment of corn from Africa to Rome and from Egypt to Constantinople, but they were also required to ship cargoes to the supply bases of the army (*expeditionales portus*). They were obliged to accept cargoes between 1 April and 10 October, winter navigation being considered too dangerous to be worth while, and were originally allowed two years by Constantine within which to bring back their delivery receipts. In 396, however, it was found that they took advantage of the long delay to trade in the corn that they carried, and the interval was reduced to one year unless they could prove delay by bad weather. Alleged losses due to storms, whether by total wreck, or by spoiling the cargo by water, or by jettison, were carefully investigated, and if they were proved to the satisfaction of the court, the government stood the loss.<sup>10</sup>

*Navicularii* might be of very varying status. A constitution of 326 envisages their being 'either decurions or plebeians or of some other superior dignity'. When the *corpus Orientis* was reorganised in 371, the praetorian prefect was directed to enrol not only *curiales* and retired officials of the provincial *officia* (*primipilares*) but ex-provincial governors and other *honorati* (excluding former *palatini*): even senators might volunteer. *Navicularii* were not expected to navigate their own ships; in investigations of damage by storms it was normally the skipper (*magister navis*) and sailors who were examined, or in case of total loss their relatives whom the *navicularius* produced in evidence. The *navicularii* were primarily ship-owners, whose business it was to finance the building, repair and operation of their ships: the guilds must also have included many sleeping members, owners of *praedia naviculariorum* who merely paid levies towards the expenses of the guild. By this curious system the government maintained a state merchant fleet financed out of the rents (supplemented by partial remission of taxes) of certain lands. It also reserved the right to charter any privately owned ship of over 2,000 *modii* capacity, whatever the rank of the owner.<sup>11</sup>

The origins of the system can only be conjectured. During the Principate the imperial government encouraged wealthy men to put ships at its disposal by granting them various privileges, including immunity from civic magistracies and liturgies. Decurions and other landowners who might otherwise have been elected to their city councils were thus tempted into the service; it was even found necessary to enact that rich men might not receive immunity unless they put a substantial proportion of their fortunes into shipping. Shippers who joined the service would also have put their profits into land. Since the *navicularii* would have wished to hand on their immunity to their sons, the service no doubt became in general hereditary. It had never, however, in all probability been very profitable, or the lure of immunities would not have been required, and with the inflation of the third century, as the real value of the freights paid sank, it no doubt became a positive burden. By this time, however, the government, unable to dispense with their services, compelled the *navicularii* to carry on, regarding their immunities as an adequate compensation for the losses which they made.<sup>12</sup>

There is less information about inland water transport. There was a state-controlled guild of bargees (*candicarii*), who carried grain up the Tiber from Ostia to Rome, and another similar guild of boatmen (*lintriones*), whose sixty members supplied the baths of Rome with fuel. King Theoderic created a state fleet of a thousand

galleys (*dromones*) for the transport of public corn. These operated mainly by sea, carrying corn round the coasts of Italy, but they also supplemented the *cursus publicus* along the Po, a detachment being based on Hostilia. The ships were built by direct labour, the timber being commandeered—the landowners were compensated only for cypresses and pines felled. They were manned by rowers (*dromonarii*), levied by the praetorian prefect, who ranked as *milites* and received *annonae*: they might be free men or slaves, either hired from their owners or bought from them and freed. On the Nile we hear of skippers (*κυβερνηται*) of public or fiscal boats, but owner skippers (*ναυκληροκυβερνηται*) of private boats are commoner. They received the tribute corn from the civic authorities, together with money for freights, and delivered it at the state granaries at Neapolis by Alexandria. The service was probably compulsory; they had to give guarantees that they would perform their function.<sup>13</sup>

For land transport there was a service directly managed by the state through the praetorian prefects and provincial governors, the *cursus publicus*. It consisted of two divisions, the express post, or *cursus velox* (ὄξυς δρόμος), and the slow wagon post, the *cursus clabularis* (πλατὺς δρόμος). The express post provided saddlehorses (*veredi*) and packhorses for luggage (*parhippi*), light two-wheeled carriages (*birotae*) drawn by three mules, and four-wheeled carts (*raedae*), also drawn by mules, eight in summer and ten in winter. It was intended primarily for the use of officials travelling on government business, especially *agentes in rebus*, but was also used for conveying gold and silver or other valuable goods; Constantine ordered that the copies of the scriptures produced by Eusebius for the churches of Constantinople should be sent up by it. There were strict limits on the weight which might be carried: a horseman might take only 30 lbs., a two-wheeled carriage 200 lbs., a four-wheeled car 1,000 lbs.<sup>14</sup>

The post could be used only by persons to whom a warrant (*evectio*) had been granted, and in theory warrants were issued only for official purposes. They were however freely granted to persons invited to the *comitatus*, and to bishops attending councils convoked by imperial authority. Very high officials, the praetorian prefects and the masters of the soldiers, were given warrants to return to their homes after laying down their posts. It was difficult to enforce the rules. Private persons of sufficiently high status found little difficulty in securing warrants from or through friends in high places. Symmachus thanked Ausonius for 'four warrants which

have been enormously convenient for the coming and going of my people' and Stilicho for others for his agents going to Spain to buy horses for his son's praetorship, while Melania travelled with a large retinue from Palestine to Constantinople by the public post though she had no warrant.<sup>15</sup>

For the *cursus clabularis* ox wagons (*angariae*) were used; the maximum load was 1,500 lbs. and the standard team two pairs of oxen. The wagon post was mainly used for carrying the foodstuffs levied for the *annona*, but also for the uniforms and arms destined for the troops, and for timber and building stone for public works. Julian promised as a special concession to the men whom Constantius had summoned from Gaul to the Eastern front that they might use the *cursus* for transporting their baggage and families. This was, however, irregular. A law of 360 allowed troops in transit only two *angariae* per legion for the use of the sick. Provincial governors also were allowed to use it for their tours. Majorian allowed them two *angariae*, one for themselves and one for their *officium*, as well as four riding horses. This service was controlled by warrants, called *tractoriae*. These, too, could be obtained by private persons with sufficient influence. Julian had to forbid the use of the post for carting marble for the erection of private houses, and Symmachus asked the praetorian prefect Vincentius to renew the *tractoriae* given by his predecessor Theodore for the conveyance to Rome of the racehorses which he had bought in Spain.<sup>16</sup>

The maintenance of these services demanded a vast and costly organisation. In the cities along the main roads and at intermediate points between them were maintained posting stations, the larger called *mansiones*, provided with lodging accommodation, the smaller *mutationes*, only with relays of beasts. Some idea of the vast number of the post stations can be gathered from the Antonine Itinerary and the Peutinger Table, but these do not give the full picture, recording only cities and *mansiones* as a rule. A record of his journey kept by a pilgrim who travelled from Burdigala to Jerusalem and back in 333 gives full details for the roads along which he travelled. Between Burdigala and the Italian frontier he passed through 14 cities (as well as one village and one fortress), 11 *mansiones* and 35 *mutationes*. Across the Italian diocese from Segusio to Poetovio he counted 14 cities, 9 *mansiones* and 30 *mutationes*. From thence across Illyricum and Thrace to Constantinople, over 900 miles, cities were scarce—he passed only 14—but 28 *mansiones* filled the gaps between them, and there were 53 *mutationes*. From Chalcedon across Asia Minor to the borders of Cilicia, some 560 miles, there were only 11 cities, but 15 *mansiones*

and 28 *mutationes*. From Tarsus to Jerusalem along the coast cities were more frequent; he passed 20 as well as 7 *mansiones* and 21 *mutationes*. On his return journey he took the alternative route across Thrace and Illyricum via Thessalonica to Apollonia. Here again cities were scarce, only 13, to 14 *mansiones* with 32 *mutationes*. Thence he crossed the Adriatic to Hydruntum, and so up to Milan. In Italy cities were thick; he passed through 42, and only 6 *mansiones* with 36 *mutationes*. Stations were, of course, at various distances, but very rarely more than 15 miles apart and often only 8 or 9: the average over the pilgrim's whole journey works out at 10 or 11 miles.<sup>17</sup>

The maintenance of the stations was charged to the revenues of the province in which they lay, and it was the duty of the provincial governor to build or repair them by *corvées* and levies on the provincial population. Each station was managed by a person styled a *manceps* or contractor; the title was a survival from an earlier age when the post had been farmed. The charge was in some provinces laid on retired officials of the provincial *officium*, or of those of the vicar or *rationalis* of the diocese; even officials of the praetorian prefects might be called upon to serve if they retired before reaching the rank of *cornicularius*. More usually, it would seem, *mancipes* were decurions nominated by the city councils. Valentinian tried to draw upon a higher class, those who had obtained the honorary rank of *comites*, *praesides* or *rationales*, that is the wealthiest *curiales*, who had thus succeeded in evading their regular duties, and suggested that they might where convenient be put in charge of a group of stations; but this reform was short-lived. *Mancipes* were by a law of 381 to serve for a period not exceeding five years, and were to be rewarded after satisfactory service with the *perfectissimate*. The office was evidently much disliked both for its exacting duties—a *manceps* was not allowed to leave his post for more than thirty days—and its financial responsibilities.<sup>18</sup>

In the stations were kept an appropriate number of animals; according to Procopius as many as forty horses in each. So high a figure was probably maintained only on frequented routes, for a rule was laid down in 378 that no station was to dispatch more than five (amended in 382 to six) horses per day, except for bearers of imperial letters or holders of warrants marked urgent: not more than one cart per day was to be forwarded. The average working life of beasts was apparently four years, for 25 per cent. of the establishment had to be replaced annually by a levy on the provincials; this levy was probably usually commuted—we find in Egyptian land tax receipts of the early fourth century many

payments (in denarii) 'for the account of worn-out public beasts'.<sup>19</sup>

Barley to feed the beasts was provided out of the provincial land tax. A constitution of 365 states that hitherto in the Suburbicarian provinces fodder had been despatched to the several *mutationes* and *mansiones* for the beasts deputed to the public post suddenly and without forethought at the whim of the *tabularii*. The consular Anatolius had remedied this chaos by fixing a regular schedule of deliveries at fixed dates, and allocating them to the various cities with due regard to the distance and difficulty of the journey, and this reform was now to be applied throughout Italy.<sup>20</sup>

Each station had its staff of carpenters to mend the carriages and wagons, of veterinary surgeons, and of grooms (*hippocomi* or *muliones*), the last on the scale of one to three animals. These were hereditary public slaves, provided with rations and clothes, but no wages.<sup>21</sup>

This vast organisation was tremendously expensive to maintain, and very wasteful of manpower, beasts and fodder. The title 'de cursu publico', one of the longest in the Theodosian Code, reveals the anxiety of the government through two centuries to slacken the pressure on the postal services by checking its extravagant use by officials and its illegal usurpation by private persons. The most minute regulations were laid down to prevent the animals being overworked: loads were carefully limited for both horses and wagons, the daily rate of despatch of horses and wagons was fixed: it was even laid down that riders were not to overdrive their horses by the use of 'knotty bludgeons', but only to employ canes or whips, which might have a metal barb. Yet despite its great resources the post could not cope with all demands from its regular establishment and emergency requisitions of horses (*paraveredi*) and ox wagons (*parangariae*) were frequently made.<sup>22</sup>

Efforts were also made to cut down the size of the service. Julian, in addition to curbing the issue of warrants, abolished the *cursus velox* in one province, Sardinia, where, as he said, it hardly justified its demands on the provincials; officials could organise and pay for their own service or use their own animals. An even more drastic cut was made in the reign of Leo, when the praetorian prefect Pusaeus abolished the *cursus clabularis* throughout the diocese of Oriens and in some other regions: when wagons were required for troop movements, for foreign ambassadors, or for carting supplies to the arms factories or arms to the troops, they were to be hired from professional carters. Such a step was by now feasible since most of the taxation in kind had been commuted into

gold, and many of the troops were also paid in money. Under Justinian the praetorian prefect John the Cappadocian abolished both the *cursus velox* and the *cursus clabularis* in various districts, including Asiana. Procopius' strictures on this step reveal what an economic burden the post was. In the good old days, he explains, the post had not only provided for the rapid transit of messages, but had been a blessing to the landowners, especially those of the inland districts, since they were able to sell to it their barley and thus obtain money to pay their gold taxes. If the abolition of the post spelt their ruin, as he and John Lydus aver, its barley consumption must have been prodigious.<sup>23</sup>

Both the *sacrae largitiones* and the *res privata* had their own transport services, called *bastagae*. They were staffed by *bastagarii*, who, unlike the public slaves of the *cursus publicus*, were of military status; their reception as recruits into the army was strictly forbidden in 384. They had animals under their charge and were entitled to replacements at the rate of 10 per cent. (raised by Justinian to 20 per cent.) per annum. How these services were related to the *cursus publicus* is obscure, as both the *largitiones* and the *res privata* were entitled to make use of the *cursus* for transporting gold, silver and clothes.<sup>24</sup>

From the time of Diocletian the state manufactured all arms required for the imperial forces in its own factories (*fabricae*). We have a complete list of these as they existed at the turn of the fourth to the fifth centuries. There were fifteen factories in the Eastern parts, general works for the production of shields and arms at Damascus, Antioch, Edessa, Nicomedia, Sardis, Hadrianopolis, Marcianopolis, Thessalonica, Naissus and Ratiaria; at Caesarea of Cappadocia and Antioch and Nicomedia works for heavy cavalry armour (*clibanariae*); at Irenopolis in Cilicia a lance factory and at Horreum Margi a shield factory. In the Western parts there were twenty in all, five in Illyricum, six in Italy, and nine in Gaul, but many of these were more specialised. There were shield works at Aquincum, Carnuntum, Lauriacum, Cremona, Augustodunum and Augusta Trevirorum, arrow factories at Concordia and Matisco, a bow factory at Ticinum, a breastplate works at Mantua, sword factories at Luca and Remi, and one for *ballistae* at Treviri. At Sirmium, Salona, Verona, Argentomagus, Ambiani and Augustodunum there were mixed arms works: the last was the only Western factory to produce heavy cavalry armour. These factories, originally under the direction of the praetorian prefects, had by 390 passed



into the hands of the masters of the offices. There were also factories for producing the bronze armour, adorned with silver and gold, worn by officers. These establishments, the workers in which were called *barbaricarii*, were originally, because they handled the precious metals, under the *comes sacrarum largitionum*. In the West they still remained so in the fifth century, when there were three, at Arelate, Remi and Treviri. In the East they passed between 374 and the death of Theodosius the Great to the *magister officiorum*; two establishments are recorded, at Constantinople and Antioch.<sup>25</sup>

The workers in these factories ranked as soldiers. They received rations (*annonae*), and like soldiers were hereditarily tied to their profession; they were branded, for easier identification in case they escaped, as were recruits. Each factory was equated with a regiment, being commanded by a tribune or *praepositus*. The workers held the normal military grades, rising by seniority to become the *primicerius fabricae*, who after two years' service retired with the rank of *protector*. The service was evidently held in good esteem; volunteers who offered themselves had to prove that they were not of curial status. *Fabricenses* seem to have been men of some substance; landlords liked to employ them—illegally—as *procuratores* or *conductores* of their estates. The members of each factory were jointly responsible to the government for any financial default, and in view of this responsibility Theodosius II allocated to them the property of any worker who died intestate without heirs.<sup>26</sup>

The *fabricae* were supplied with iron and other raw materials, such as horn (for making bows), by the praetorian prefects, whose office contained a *scrinium armorum* which handled the necessary levies. Charcoal was also supplied; its production was a *sordidum munus* imposed on landowners. The weight of the arms produced was checked against that of the metal issued; there is a story that Valentinian condemned to death the *praepositus fabricae* who produced a breastplate so highly burnished that it had lost a little weight. Workers were expected to produce a specified number of weapons per month. This at any rate was the rule with the *barbaricarii*. According to a constitution dated 374, it was the rule at Antioch that each worker should in every thirty days make six bronze helmets with cheek pieces, and in the same period decorate eight with silver and gold, whereas at Constantinople the corresponding figures were six and three: the emperor ordered work at Constantinople to be speeded up to Antiochene standards.<sup>27</sup>

The *fabricae* must have been large establishments, for their personnel was a substantial element in the population of the towns in which they were situated. At Hadrianopolis they are mentioned

as a leading element in the riots against the Arian council held at that town contemporaneously with the Council of Sardica, and later in 376 as an important part of the force which the magistrates of the city raised to attack the Goths. At Caesarea too the *fabricenses* are recorded to have been prominent in the riots in support of Basil.<sup>28</sup>

The state also operated, through the *comes sacrarum largitionum*, a number of weaving mills, both for woollen and linen fabrics, and dyeworks, to produce uniforms for the troops and the civil service and high quality garments for the court. We have a full list of these establishments for the Western empire in the early fifth century. There were only two linen mills (*linyphia*), at Vienna in Gaul and at Ravenna. Woollen mills (*gynaecia*) were much more numerous. In Italy they existed at Rome, Aquileia, Milan and Canusium with Venusia: in Illyricum at Bassianae, Sirmium and Iovia: in Gaul at Lugdunum, Remi, Treviri, Tornacum and Augustodunum; in Africa at Carthage; and even in Britain at Venta. There were nine dyeing establishments, at Tarentum and Cissa in Italy, at Syracuse in Sicily, at Salona in Dalmatia, at Telo and Narbo in Gaul, in the Balearic isles, at Girba in Tripolitania, and in Africa. There were also a few *gynaecia* and *baphia* in the West under the control of the *res privata*. For the Eastern parts we possess no similar list. We happen to hear of woollen mills at Heraclea of Thrace, Cyzicus, Caesarea of Cappadocia and Tyre, a linen mill at Scythopolis and dyeworks in Phoenicia and Cyprus. There is a single reference, in a law addressed in 344 to the praetorian prefect of Italy, to *calcarienses* or bootmakers; no such factories are recorded in the Notitia Dignitatum for the Eastern or the Western parts.<sup>29</sup>

These factories were managed by *procuratores* and manned by state slaves. During the Great Persecution we hear of Christians being made slaves of the treasury and enrolled in the *linyphia* and *gynaecia*, but by the middle of the fourth century the workers in the state factories had become hereditary groups. They are still called slaves (*mancipia*); the workers in each factory are styled *familiae*, the word used for slave households; and the Senatusconsultum Claudianum was invoked to enslave free women who married them. But it is clear that *de facto* they were free persons bound by a hereditary tie to their trades. In 424 it was even necessary to reclaim purple fishers (*murileguli*) who had illegally obtained codicils of dignities, and in the sixth century the status of a *murilegulus* was often preferred to that of a *curialis*.<sup>30</sup>

These factories were like the *fabricae* quite considerable establishments: the weavers both at Cyzicus and at Caesarea were an important element in the population in the fourth century. We know very little of the way in which they were run, except that each

weaving factory was expected to produce a fixed number of garments per year. The workers presumably received rations like the public slaves of the *cursus publicus*.<sup>31</sup>

How they were provided with their raw materials is not clear. Flax and wool were levied in kind from Egyptian villages in the fourth century, and were presumably forwarded to the factories. A law of 395 records that materials (*species*) were compulsorily purchased for the *gynaecium* of Carthage from the *corporati* of the city, and another of 374 distinguishes the *linteones* (of the state factory) from 'the Scythopolitan linenweavers subject to the public levy' (*obnoxios Scythopolitanos linyfos publico canoni*). These laws suggest that in some towns the guilds of private weavers had to deliver to the local factory either yarn or fabrics for finishing. The dye works produced their own dyes. The principal task of the *murileguli* or *conchylioleguli* was, as their name suggests, fishing for the murex. Their boats seem to have been maintained on a system similar to that of the *navicularii*, for a law of 424 rules that the possessions of *murileguli* which have come to be held by outsiders by whatever title are to be restored to their original owners, unless the present holders are willing to undertake the service attached to them.<sup>32</sup>

In the early fifth century, when the levy of *vestes* had been commuted to gold, and the troops generally received money allowances for uniform, the factories received cash grants. A law of 423 enjoins that five-sixths of the sum raised by the commuted levy should be distributed in cash to the troops, and the remaining sixth paid to the *gynaecia*, which are to produce uniforms for recruits and private soldiers. The government factories seem at no time to have produced enough clothes to meet more than a small fraction of the state's requirements. Throughout the fourth century there were regular levies of garments in kind, and the law of 423 suggests that by that date the factories produced only a sixth of the uniforms required.<sup>33</sup>

The government claimed a monopoly of marble quarrying, but did not often exercise it. Thus in 320 a general licence was given to all and sundry to quarry marble, and in 363, owing to the high price which marbles were fetching, a similar general licence was issued. In 382 quarries were ordered to pay a tenth of their product to the government, as well as a tenth to the owner of the land. In 393, however, private extraction of marble was prohibited in the interests of the state quarries. Of these there were three of outstanding importance in the East, at Alexandria Troas, at Docimium in Phrygia and in the island of Proconnesus in the Propontis. Little is known of the management of state quarries. In some

convict labour was employed. During the Great Persecution many Christians were sent to the quarries of Egypt, including the famous porphyry and granite quarries of the Mons Porphyrites and Mons Claudianus in the Eastern Desert, and condemnation to the mines or quarries (*ad metallum*) remained a standard penalty for humble criminals. In Justinian's day the three great marble quarries were still worked by convicts. In the fourth century the *corvée* was also used in Egypt, villages being required to send masons, carpenters and labourers to work in the alabaster quarries at Alexandria for periods of from three months to a year.<sup>34</sup>

The organisation of mining is most obscure. Some mines were, at any rate in the fourth century, worked by convict labour; we hear of many Christians being sent to the copper mines of Phaeno in southern Palestine. For the most part, however, the miners (*metallarii*) were free men, bound to their place and trade by a hereditary tie. Gold miners (and gold washers) had to pay to the *largitiones* an annual quantum of gold per head, fixed in 365 at 8 scruples in Illyricum, in Asiana and Pontica at 7 scruples in 392: in addition they had to sell the balance of what they produced to the *largitiones* at 'competent prices' fixed by it, presumably paid in *denarii*. Valentinian I hoped that these conditions would attract volunteers into the industry, but his expectations were not fulfilled. On the contrary, he and his brother had to conduct a regular hunt for gold miners who had migrated and taken up agricultural work on private and imperial estates, and during the invasion of Thrace in 378 many of them, who were oppressed by the heavy demands of the treasury, fled to the Goths, who welcomed them as expert guides. Further measures to reclaim miners who had transferred themselves to agriculture had to be taken in 424.<sup>35</sup>

The important gold mining areas in the western Balkans were under the control of the *comes metallorum per Illyricum*, and under him there were in the provinces of Macedonia, Inland Dacia, Upper Moesia and Dardania *procuratores metallorum* who collected their dues from the miners: the office was filled by decurions supplied by the city councils. No similar organisation is recorded for the adjacent gold mining areas of the Thracian diocese, or elsewhere. Some gold mining areas (*metallica loca*) were state property, but they might be acquired by private persons, who were bound to carry on production.<sup>36</sup>

Nothing is known of the organisation of the silver mines and very little of copper and iron mining. Basil speaks of the iron producing area of the Taurus, and asks the praetorian prefect, Modestus, to reduce the contribution of iron from its inhabitants. The Codes also mention a contribution of copper (*conlatio aeris*),

which might be commuted for gold at a rate of one solidus for 25 lb. This levy is spoken of as being paid by landowners, and from another law it appears that landowners could change over, by the government's permission, from the regular taxation of the *annona* to 'the gold, copper and iron payment' (*auraria aeraria atque ferraria praestatio*). It is difficult to put together any very coherent picture from these scattered hints, but it would appear that the mines were not large-scale enterprises manned by groups of labourers under the management of imperial officials or contractors, but little shafts worked by independent miners, or perhaps small groups. The state owned most of the gold mining areas and monopolised all production of gold, but it only exacted a levy, no doubt sufficient to meet its needs for the mints and arms factories, on the owners of copper and iron mining districts.<sup>37</sup>

The state thus manufactured in its own factories all the arms and armour and a proportion of the uniforms required for the army and the civil service. It produced the marble needed for its public works from its own quarries and also levied a royalty of a tenth in kind from private quarries. It obtained the gold (and probably the silver) required for the mints from its own mines, and levied in kind from the owners of the metalliferous areas the copper and iron needed for the mints and arms factories. In the late third and the fourth centuries it obtained most of its remaining requirements by levies in kind assessed on the land. It secured in this way not only foodstuffs of all kinds, wheat, barley, meat, wine and oil, to feed the troops, the civil service, the population of the capitals, its industrial employees and the personnel of the post, together with the horses of the army and the horses, mules and oxen of the post; but also these animals themselves, and the raw material for the state factories, such as wool and flax for the weaving mills, and charcoal for the mints and arms factories. Public works were also built and repaired by levies of material and labour assessed on the land. Among the *sordida munera* to which landowners were liable are included the provision of craftsmen and labourers, the burning of lime and the supply of timber.<sup>38</sup>

These levies did not necessarily eliminate the private trader. The landowner did not always produce or possess the objects demanded in tax, and in that case he had to buy them. Lactantius complains that Galerius' regular indictions were so exorbitant that landowners had no crops left to sell, to obtain the money wherewith to buy the gold and garments required by his special levies for the *vicennalia*.

For practical convenience also certain levies were commuted: the collectors could not levy horses or uniforms in fractions from smallholders, and preferred to exact money payments and buy them from dealers. The role of the merchants must however have been greatly reduced by the levy system, and the contractor eliminated by the *corvée*.<sup>39</sup>

As from the late fourth century onwards levies in kind were progressively commuted for gold, and for issues in kind were substituted gold payments, the private trader must have gained by the change. Civil servants and soldiers when they received a cash uniform allowance must have bought their clothes from private dealers, and in so far as their *annona* and *capitus* were paid in gold, they must likewise have bought their food on the market. The corn for Rome and Constantinople was, however, always levied in kind, and in the Eastern empire a sufficient proportion of the land tax was generally paid in kind to supply rations for the field army at any rate. Moreover, when the government required additional foodstuffs it resorted to compulsory purchase (*coemptio*, *συνωρή*) direct from the landowners, the price of the supplies being deducted from their gold tax, or, if it exceeded the amount of their tax, paid in cash. According to a law of Anastasius this procedure was to be used only in emergencies and required special imperial authorization except in the diocese of Thrace.

In the West, where the taxes had by the middle of the fifth century been entirely commuted to gold, *coemptio* was regularly employed to obtain supplies; it is attested in Italy both under Theoderic and after the reconquest under Justinian. Supplies were sometimes compulsorily purchased from the merchants of the province concerned in addition to the amounts bought from landowners: this was regular in Thrace. In some provinces of Italy (Apulia and Calabria) under Justinian the landowners paid a surtax (*superindicticium*) to be relieved of the burden of *coemptio*, and all the supplies required were compulsorily purchased from the local merchants. The merchants concerned are clearly not importers or exporters, but dealers who bought corn, wine, oil or meat from the landowners and peasants for local sale.<sup>40</sup>

Many large landowners, great senators and the major churches, followed the example of the government on a smaller scale, supplying some of their needs from their own estates. According to Olympiodorus Roman senators took approximately a quarter of their rents in kind—corn, wine and other agricultural produce: we possess a letter from one of them, Lauricius, formerly *praepositus sacri cubiculi* of Honorius, directing the agent of his Sicilian estates 'if a ship can be found which is by good luck sailing for

the port of Ravenna at a suitable date, dispatch the produce for the requirements of our house there, and if it happens that you do not find one which is coming to Ravenna, it should be sent to the City (Rome) and stored in our granary'. The church of Ravenna obtained from a group of estates in the neighbourhood (one was at Patavium) dues in pork (3,760 lb.), honey (3,460 lb.), geese (numbers lost), fowls (888), chickens (266) and eggs (8,880); these were allotted to the bishop for hospitality. Gregory the Great obtained the bulk of the corn needed for feeding the Roman poor from the Sicilian estates of the patrimony of Peter (by purchase from the tenants), and cut timber from the south Italian estates to roof a church in Rome. Bertram, bishop of Cenomani, left to his church a pine wood near Burdigala which he had bought together with a pitch works and its hands, so that pitch could be annually delivered to Cenomani for the use of the church. Most landlords seem, like Lauricius, to have relied on commercial shippers to transport their goods, but the church of Alexandria operated not only a fleet of Nile boats, but a small flotilla of seagoing ships, for exporting the surplus corn from its estates and importing its needs from abroad such as timber. This tendency of great landlords to supply their basic needs from their own estates must have diminished the trade in foodstuffs and other raw materials, but for luxuries and for manufactured goods in general the wealthy probably depended on the commercial market.<sup>41</sup>

The state, and to a lesser extent great landlords, thus cut a considerable sector out of the market by supplying their own needs directly. In what remained of the market private commerce was hampered by two important factors, the high cost and slowness of transport and the low purchasing power of the mass of the population.

Diocletian's tariff of prices gives us accurate information on the cost of transport. The authorised charge per mile for a wagon load of 1,200 lbs. is 20 denarii, for a camel load of 600 lbs. 8 denarii, for a donkey load 4 denarii. A *modius* of wheat, which is priced at 100 denarii, weighs 20 lbs., so that a wagon would carry 60 *modii* and a camel 30. A wagon load of wheat, therefore, costing 6,000 denarii, would be doubled in price by a journey of 300 miles, a camel load by a journey of 375 miles. Maritime rates are very much cheaper, especially for long journeys. The charge per *modius* from Alexandria to Rome, some 1,250 miles, is 16 denarii,

from Alexandria to Byzantium 12; the highest rate quoted, from Syria to Lusitania, is about 26 denarii. It was cheaper to ship grain from one end of the Mediterranean to the other than to cart it 75 miles. Against this must be set the risk, very considerable in ancient conditions, of total or partial loss by shipwreck or jettison and of spoiling by sea water.<sup>42</sup>

Pack camels and donkeys move at about a man's walking pace, oxen at about two miles an hour. Land transport was therefore very slow. Sea transport under favourable weather conditions was much faster, but contrary winds might cause much delay—ancient ships could not beat against the wind—and storms might compel long waits in harbour. Numerous accounts of voyages illustrate the vagaries of sea travel. Sulpicius Severus' friend Postumianus sailed from Narbo to Carthage in five days, a good run, but on the voyage from Carthage to Alexandria was held up in the Syrtis by bad weather for a week and took another week to make Alexandria. For his return he found a ship bound with a cargo for Narbo, and reached Massilia in thirty days. Gregory of Nazianzus was unwise enough to take a passage on an Aeginetan ship from Alexandria to Greece in the winter season and was involved in a bad storm from which they took shelter in Rhodes. Mark the deacon undertook many voyages for Porphyry, bishop of Gaza. He sailed in thirteen days from Ascalon to Thessalonica to settle up Porphyry's estate and returned in twelve, both good runs. Then he sailed to Constantinople to deliver a letter to John Chrysostom, taking twenty days: his return voyage was much speedier, ten days only. Later he accompanied a party of bishops to Constantinople. They embarked at Caesarea, arrived at Rhodes in ten days, and at Constantinople in another ten: the return voyage was again much quicker, only five days to Rhodes, and despite a storm only another six to Maiuma, the port of Gaza.<sup>43</sup>

Synesius gives a tragi-comic account of a dreadful passage he endured from Alexandria to Ptolemais. It was a small boat with only twelve hands; the captain and half the crew were Jews. The captain was heavily in debt and had sold all the spare gear, leaving only one sail and one anchor, and the crew were all cripples. Nevertheless he carried fifty passengers, including a number of soldiers and about fifteen women; a part of the deck was screened off with an old sail for their accommodation. In the afternoon a storm blew up, but as it was Friday, no sooner did the sun set, than the pious captain abandoned the tiller and despite protests and threats refused to break the Sabbath till half way through the night, when, remarking gloomily, 'We are clearly in danger of death and the Law permits it', he resumed the helm, and managed



next morning to put in on the desert shore. After waiting two days for the storm to abate they put out again, but after two days' run were becalmed. They then ran into another storm which broke their mast, and ran aground in a desolate spot, whence a local fisherman piloted them to a sheltered but equally desolate bay. They had by now run out of provisions and had to catch fish to assuage their hunger. All these adventures occurred on a coasting voyage of less than 600 miles.<sup>44</sup>

It must be remembered, moreover, that during the winter season navigation was normally suspended. Vegetius declares that the seas were absolutely closed for the four months from 11 November to 10 March, and were very dangerous for all the seven months from 22 September to 27 May. The two years' period allowed to *navicularii* for the return voyage from Alexandria to Constantinople shows how incalculable were the hazards of the sea and what very long delays they might sometimes impose. In these circumstances perishable goods could not be objects of long-distance trade.<sup>45</sup>

Merchant ships varied greatly in capacity. The imperial government thought it worth while to charter ships of as small a capacity as 2,000 *modii* for the transport of *annona* from Egypt to Constantinople, which implies that such tiny boats of less than 15 tons (deadweight) must have been quite common. Under the Principate a minimum tonnage of 10,000 *modii* was required for ships in the regular service of the *annona* and a law of Valens suggests that this rule still applied in the fourth century. According to Procopius the fleet assembled to convey Belisarius' army to Africa contained no ship under 3,000 *medimni* (Thucydidean Greek for 18,000 *modii* or about 120 tons), while the largest, in our text, were rated at 50,000 *medimni*; this figure is however certainly corrupt—a ship of this capacity would have been half as large again as the monster ships specially built to carry obelisks—and should perhaps be 5,000 (30,000 *modii*). One of the corn ships belonging to the church of Alexandria is said to have been of two myriads (20,000 *modii* or about 130 tons), and John Moschus speaks of a ship of three and a half myriads (35,000 *modii* or about 230 tons) as being unusually large: the shipper who built it was unable to launch it though he put 300 men on to the job. Elsewhere he records as exceptional a ship of five myriads (330 tons deadweight). This is the largest vessel of which we have reliable record.<sup>46</sup>

Since cartage was so very expensive inland waterways were greatly favoured for heavy transport. The importance of Egypt to the corn supply lay not only in its fertile and regularly watered soil, but in the fact that no part of the country lay far from the

Nile or a navigable canal. The establishment of the *limes* along the Rhine and the Danube was probably dictated as much by logistics as by strategical considerations. In the fourth century the army of the Rhine was supplied by sea and river from Britain, and in the sixth century the army of the lower Danube was evidently supplied from maritime provinces of the Mediterranean via the Bosphorus: this explains the curious group of provinces—Lower Moesia and Scythia on the one hand, the Islands, Caria and Cyprus on the other—which Justinian placed under the *quaestor exercitus*, who was quartermaster of the lower Danube *limes*. The Upper Danube frontier, because it was not easily accessible by water, evidently presented great difficulties of supply. Two units under the *dux* of Raetia were converted into supply trains, and when exemptions from furnishing animals for the post were granted, the requirements of the Raetian *limes* and Illyrian expeditions were expressly excepted.<sup>47</sup>

Grain seems never to have been carted for any considerable distance except by the imperial government, which did not have to count the cost. Commercially the grain trade did not pay by land. In big towns the price of grain was, it is true, substantially higher than in small, because it had to be carried from greater distances. According to Julian wheat was normally sold at Antioch 15 *modii* to the solidus, which was twice the general rate prevailing in Egypt or Africa; he no doubt exaggerated in order to magnify his own achievement in selling wheat at this figure during a shortage, but his statement implies that wheat not infrequently reached this figure in Antioch. But even the higher prices prevailing in the big towns did not attract corn from far. Julian prided himself on having got grain during a famine to Antioch, presumably with the aid of the *cursus publicus*, from Hierapolis, which is not much over 100 miles away, and even from Chalcis, at about half that distance, and he eventually had to fall back on Egyptian supplies. In an inland town, such as Caesarea of Cappadocia, there was little hope if the local crops failed: as Gregory of Nazianzus explains, 'coastal cities support such shortages without much difficulty, as they can dispose of their own products and receive supplies by sea; for us inland our surpluses are unprofitable and our scarcities irremediable, as we have no means of disposing of what we have or of importing what we lack'. It was for this reason that towns had so often to subsidise the import of corn; if there was a local shortage, and corn had to be imported from farther afield, the price had to be artificially reduced.<sup>48</sup>

Conversely, inland regions could not dispose of their surplus corn. Both Procopius and John Lydus complain that when Justinian abolished the *cursus publicus* in various parts—John specifies the diocese of Asia—and the government ceased to buy grain or accept it as tax, 'the unsold crops rotted on the estates, Asia being almost all arable, and the taxpayer was ruined when the tax collectors demanded gold instead of crops, since he could not sell his crops, living far from the sea'. The situation became even worse, he laments, when the military units stationed in the area were moved elsewhere, with the result that 'the taxes were converted to gold, and the crops were ploughed in year by year'.<sup>49</sup>

Long-distance trade in corn was thus commercially profitable only when the corn was grown in areas close to a port or inland waterway, and the market was a large town which lay on the sea or on a navigable river. Wine and oil, being more valuable in proportion to their bulk, were probably more important objects of trade. Special vintages which commanded a high price were always worth transporting, and sometimes ordinary wine was carried some distance overland. In the sixth century Cappadocians, whose country was ill fitted for viticulture, brought wine in bulk from Syria. Africa was still exporting large quantities of oil when the Arabs conquered it in the seventh century, and oil was still being imported to Marseilles in the sixth.<sup>50</sup>

Fruit and vegetables could not travel far owing to the slowness of transport, and big towns seem to have been supplied from their immediate neighbourhood. At Constantinople there was an important guild of market gardeners, who leased suburban estates for the cultivation of vegetables and fruit trees. Justinian had to legislate against their sharp practices: they took over the existing stock at a valuation, and on surrendering the lease were compensated for the stock which they left and for improvements, such as manuring or planting trees. As the valuers were members of the guild, landlords always found that the initial valuation was very low and the final one very high.<sup>51</sup>

Meat could only be transported on the hoof or salted; salt meat was conveyed considerable distances by the government for the use of the troops, and pigs were driven on the hoof from Lucania and cattle from Bruttium to supply the Roman people with pork and beef—losing some 15% or 20% of their weight on the journey. But this was again a government enterprise: we hear of no large-scale private trade in meat. There is one record of long-distance trade in fish. In 615 Bertram, bishop of Cenomani, bequeathed his house at Burdigala to a nephew but stipulated that he must

give lodging to the agents of the church of Cenomani who were sent to Burdigala 'pro piscibus ad negotiandum'.<sup>52</sup>

Some of the raw materials of industry must have been transported over considerable distances. Iron and copper, for instance, were universally needed, and were mined in limited areas only. High grade wools, being both easily portable and relatively expensive, were also probably carried long distances. The tariff of Diocletian prices Atrebatian wool (from northern Gaul) at 200 denarii the pound, Tarentine (from Apulia) at 175, Laodicene (from Phrygia) at 150 and Asturian at 100. As against this, 'best medium wool' is tariffed at 50 denarii and 'other wool' at 25. It would clearly be worth while for a merchant to carry the superior wools to distant markets by pack animal.<sup>53</sup>

The imperial government carted valuable marbles considerable distances regardless of cost, and so also did wealthy senators, though they preferred to make illicit use of the public post. Big timber had also to be conveyed over long distances. Gregory the Great, requiring long beams for the church of Peter and Paul, ordered the subdeacon Sabinus, the rector of the patrimony in those parts, to fell twenty trees in Bruttium. Hauling them to the sea was a formidable undertaking, and Gregory asked his namesake the ex-prefect, who leased land in the neighbourhood from the church, the *dux* Arogis, who also owned estates in the area, and the local bishop, Stephanus, all to furnish men and oxen. Egypt, which was destitute of large trees, always had to import timber. Eulogius, patriarch of Alexandria, asked Gregory for timber, offering to pay for it, an offer which was politely refused. He later complained that the timber sent was too short, but Gregory answered that the ship sent to fetch it was too small. It is not known if Eulogius ever got his long beams, as in his last letter on the subject Gregory explains that the ship will not take the timber he had had felled and that he is reluctant to saw it up.<sup>54</sup>

The laws allude to the owners of private quarries transporting marble by sea and selling it; senators were in 376 exempted from customs dues on the marble that they cut from their own quarries. But there is no evidence of any regular trade in building stone or timber. For ordinary purposes local stone or brick was used, and if timber was lacking, builders made do without it. In one of his letters Gregory of Nyssa describes a chapel he has planned. It was an ambitious structure, an octagon with four rectangular chambers and four apses projecting from it, and an inner colonnade of eight columns. He asks a friend to send him some masons skilled in vaulting, and explains apologetically: 'the scarcity of timber induces me to roof the whole building in stone, because

there is no building timber in these parts.' And, he adds, skilled freemasons are no use to him, for the local materials are brick and odd stones. In the timberless area south of Damascus buildings were not only roofed with beams of basalt; even doors and windows were made of basalt slabs.<sup>55</sup>

Manufactured articles would bear the cost of transport better, being more valuable in proportion to their bulk and weight, but here we must consider the second factor unfavourable to trade, the poverty of the market. The vast majority of the population of the empire were peasants, whose standard of living was low and whose needs were simple. The working classes in the towns seem to have been as poor, to judge by the difficulty they had in paying a solidus or two every four or five years for the *collatio lustralis*. This meant that the global demand for manufactured goods was very low. Trade in manufactured goods was even more restricted, for the mass of the population could afford only the cheapest and simplest articles, and these were locally produced.

Humble urban craftsmen supplied most of the basic needs of the towns and of the immediately surrounding areas, and where cities were thickly set they probably provided the countryside with manufactured goods. But where cities were widely spaced and their territories large, the needs of outlying villages were supplied by the rural potter and smith, whom Valentinian I declared immune from the *collatio lustralis*, and we may add, by the rural weaver. Libanius in his panegyric on Antioch boasts that in its territory were 'many large and populous villages, with larger populations than not a few cities, which have craftsmen as in towns, and exchange their products with one another through fairs'.<sup>56</sup>

The large village of Aphrodito in the territory of Antaeopolis had a substantial number of craftsmen. A petition to Justinian is signed first by the clergy, eleven priests and a deacon, then by twenty-two principal farmers (κτήτορες), two notaries, the headman of the village, the tax collector and his assistant, and by six headmen of guilds, including the smiths, carpenters, weavers, fullers and boatbuilders and also a wine merchant. A contemporary tax list shows in addition to about one hundred names with no trade specified, presumably peasant proprietors, nine bakers, six butchers, five greengrocers, two millers, three beekeepers, a dyer, eight fullers, four or five linen weavers, a group of wool weavers, three tailors, a group of shoemakers, one potter, three carpenters and two boatbuilders, a group of coppersmiths and five goldsmiths, not to speak of a notary, a letter writer and a barber. The potter must have had quite a big business and employed assistants, for he paid 2,400 wine jars a year as rent for

one-third of a pottery to the proprietors, two ladies; he presumably also leased the other two-thirds from the monastery into whose hands they had passed.<sup>57</sup>

A striking example of the dispersal of industry is afforded by the weaving trade. Weaving was a basic and important industry, for even the poorest had to possess some clothes and renew them at intervals, and little clothing was home made. There was some domestic weaving in large households. Pope Pelagius, giving instructions on which slaves are to be picked from an estate part of which had accrued to the church, specified that domestic servants and craftsmen, 'men perhaps who could be useful for wool weaving', are to be rejected in favour of agricultural slaves. Such domestic weaving was, however, not important, and the poor generally bought their clothes from a professional weaver. This point is illustrated by an anecdote told by Augustine. Florentius, a poor cobbler of Hippo, lost his one and only *casula*, and in his distress prayed the Twenty Martyrs to succour him. As he prayed small boys jeered at him, 'as if he had asked the Martyrs for 50 *folles* each wherewith to buy clothes'. He was not granted the 1,000 *folles* which a *casula* would, it is to be inferred, have cost him, but on the sea shore he found a large fish, which he sold to a cook for 300 *folles*. With the money he planned 'to buy wool so that his wife could make up something for him to wear as best she could'. Even a poor cobbler, it would appear, normally bought his clothes ready made.<sup>58</sup>

Clothes are easily portable objects, even more portable than the raw materials out of which they are made, and here if anywhere large-scale manufacture and trade might seem to have been practicable and profitable. The Diocletianic tariff, however, suggests that it was only high quality garments whose production was concentrated in a few towns, whence they were exported to all parts of the empire. The facts are most clearly set out with regard to linen garments. Here five local brands are recognised, of which the most expensive is the Scythopolitan, next the Tarsian, then the Byblian, then the Laodicene, and finally what is called the Tarsian Alexandrian, which means fabrics of Tarsian style produced at Alexandria. Each of these brands is divided into three grades (*formae*). Thus a shirt (*στιχῆ*) from Scythopolis cost 7,000, 6,000 or 5,000 denarii according to its grade, while one from Alexandria cost 4,000, 3,000 or 2,000. As compared with these named brands, a military shirt, which would have been substantial if plain, cost according to grade 1,500, 1,250 or 1,000, and shirts 'of rough linen for the use of commoners and slaves' half these prices.<sup>59</sup>

There are similar scales for men's (women's) dalmatics, which range from 10,000 (11,000), to 2,000 (3,000) in the named brands, whereas 'those which are inferior to the above mentioned third grade but are manufactured in more places' are priced at 2,500 to 1,500 (1750), and those 'for the use of commoners and slaves' at 800 (1,000) to 500 (600). Very similar ranges of prices are quoted for half a dozen other garments. Other towns specialised in linen mattresses and bolsters. Antinoopolis and Tralles produced the best only, at 2,750 denarii, Damascus and Cyprus three grades at 1,750, 1,250 and 800: below these named brands come inferior grades at 600, 500 and 400, and those 'for the use of commoners and slaves' at 350, 300 and 250.<sup>60</sup>

It will thus be seen that not only rough clothes, worn by the working classes, but good plain garments at two or three times the price were produced at a large number of places. The famous weaving cities produced only superior garments; even a third-grade Alexandrian imitation of a Tarsian garment was nearly always priced higher than a first-grade garment made elsewhere, and first-grade Scythopolitan fabrics were priced at about four times as much.

The figures for woollen garments are less systematically set out and have not been so well preserved. A 'best indictional cloak' (*χλαμύς*), which would have been a good serviceable article, is priced at 4,000 denarii, but a Dardanian single cloak at 7,000, and a double one at 12,500. There was a large range of locally named *birri*, of which the Nervian was the dearest (the actual price is lost). There follow the Taurogastric (of unknown provenance) and imitations of Nervian made at Laodicea of Phrygia, both priced at 10,000, Noric and Ripensian at 8,000, those from Britain, Melitomagus and the Argolid at 6,000, Laodicene at 4,500, Canusian at 4,000, Numidian at 3,000, Achaean and Phrygian at 2,000 and African at 1,500. *Fibulatoria* also show a wide range of prices from Raetic at 12,500, through those of Treviri and Poetovio at 8,000 and 5,000, to African at 2,000, while *saga* show even greater contrasts; Gallic garments from Ambiani and Bitoriges cost 8,000, African only 500. Most of these garments would seem to be of the luxury class, but the African may well have been cheap enough to command a wide market.<sup>61</sup>

That good plain weaving was very widely practised is suggested by the general levies of garments made for uniforms in every province and city of the empire and assessed like the *annona* on the land, for these garments had to be of decent quality, as the prices of 'military' shirts and 'indictional' cloaks show. Not every village and landowner, it is true, produced garments woven on the

spot: many found it more convenient to buy their quota, or commute their obligation, leaving the collector for the city to buy the garments. But the idea of such a general levy would hardly have occurred to the government unless most areas produced the goods required. Moreover in the diocese of Oriens at any rate the levy was a compulsory purchase, and the government in the early fourth century paid prices according to Diocletian's tariff: thus the village of Caranis in Egypt in 314 received 24,000 denarii for 24 shirts (*στιχάρια*; they were evidently of the third grade) and 10,000 denarii for 8 cloaks (*πάλλια*). Such a system of compulsory purchase at prices which had originally been fair would have been a very strange procedure if the articles purchased had not been local products.<sup>62</sup>

The evidence thus far suggests that there was little long-distance trade in clothes except in expensive high-grade garments which were the speciality of a few famous weaving towns. There is, however, one indication that cheap clothes sometimes travelled considerable distances. Where Pinianus adopted the ascetic life he at first wore sackcloth, but his wife Melania saw that he found this too irritating and persuaded him to buy 'natural coloured Antiochenes' (*Ἀντιοχίαια ἰδιόχρσα*), which cost only one solidus (or according to the Latin version only two *tremisses*). It would seem then that at Rome cheap workmen's clothes, probably of linen, were imported from Antioch; and it may be conjectured that woollen garments of similar cheap grades were imported from Africa. There probably was then a market for cheap textiles in the largest cities, and a long-distance trade to supply them.<sup>63</sup>

There was also, as we have seen, some seaborne trade in wheat (and also beans), wine and oil to supply the larger maritime towns. Apart from this the objects of trade were luxury or semi-luxury articles for which the rich and well-to-do were prepared to pay a price which would cover the cost of transport. They included high quality textiles, the linens and woollens which were the specialities of famous weaving towns, and also silk, which was imported from China regardless of cost and fetched fantastic prices; engraved silver tableware and superior glassware; jewellery and perfumes and unguents, many of these of oriental origin. Among foodstuffs choice brands of wine travelled far; the sweet wines of Gaza were imported into Ostrogothic Italy, Visigothic Spain and Merovingian Gaul. Exotic spices were also much in demand, notably pepper, which after its long journey from Malabar fetched very high prices; Rome must have held large stocks to be able to pay 3,000 lb. to Alaric in 408 as part of the ransom of the city.<sup>64</sup>



There remains the slave trade. Slaves, in so far as they were objects of commerce, may be reckoned as luxury articles, for they were expensive and they were in the main purchased as personal servants. Slaves were, it is true, used on a considerable scale in some areas for agriculture, but such slaves were almost always homeborn. The imperial weaving mills and dyeworks, the mints and the postal service were also manned by slaves, but these again were hereditary groups, and the government neither bought nor sold its workers. Slaves were also sometimes used in private industrial establishments, but not, it would seem, on any large scale. They were more generally employed in posts of confidence, as managers (*actores* and *procuratores*) by landowners and as clerks and agents (*πιστωτοί*) by business men. But the vast majority were personal and domestic servants.<sup>65</sup>

Rich senators kept vast households, if the denunciations of moralists are to be believed. What is more important, slaves were regarded almost as an essential of life by persons of relatively modest means. In his petition to the Council of Chalcedon Athanasius, the nephew of the late patriarch of Alexandria, Cyril, draws a pitiful picture of how Cyril's successor Dioscorus has reduced him to the utmost penury, so that he is forced to beg his bread for himself and the two or three slaves that remain to him. Libanius, urging the council of Antioch to augment the stipends of his four assistant lecturers, represents them as utterly poverty-stricken on their present scales; they do not marry if they are prudent, they have to live in lodgings like cobblers, they owe money to their bakers and have to sell their wives' trinkets to pay the bill. As a climax Libanius declares that they can afford two or three slaves only, who, not belonging to a proper establishment, are insolent to their masters. Slaves seem to have been a regular institution in the army, in which there were exceptionally good opportunities for acquiring them cheap. A law of Constantine suggests that every non-commissioned officer, even of the lowest grade of *circitor*, had his slave batman, and Sulpicius Severus declares that Martin as a private—in the guards, it is true—was so ascetic that he contented himself with one slave only. Aristocratic hermits and monks who kept only a slave or two to look after them were praised for their self-denial.<sup>66</sup>

Many domestic slaves, in large households most no doubt, were home bred, but one category had to be bought. Castration was strictly prohibited within the bounds of the empire. The law was naturally sometimes broken, but in general eunuchs, who were considered essential in all really high-class households, were imported from abroad, mainly from Persia, Armenia and other

Caucasian lands. They were for the most part the product of piracy, kidnapping and tribal wars. In Justinian's time most eunuchs came from the barbarous and still pagan tribe of the Abasgi on the eastern coast of the Black Sea. Their kings made a regular business of seizing the handsomest boys among their subjects and selling them to dealers, killing their parents to eliminate danger of future vengeance. We are not told what alternative source of supply was found when Justinian converted the Abasgi to Christianity and suppressed the eunuch trade with the monarchy, and it may be that his pious action stimulated the increase in the illicit castration of Roman subjects which shocked the old emperor in 558.<sup>67</sup>

Eunuchs had a high scarcity value. The casualty rate in castration was, owing to primitive surgical methods, enormous: according to information submitted to Justinian out of ninety victims only three survived. Justinian for purposes of valuation in certain legal cases put their price at 30 solidi for a boy under 10, 50 for an untrained adult, and 70 for a trained adult. But ordinary slaves were by no means cheap. Justinian's figures are 10 solidi for a child under 10, 20 for an unskilled man or woman, and 30 for a man or woman skilled in any craft; a trained clerk was valued at 50 and a doctor at 60. The few recorded prices confirm these valuations. A Gaulish boy aged 14 was sold at Ascalon in 359 for 18 solidi from one soldier to another. In the early fifth century a man who sold himself to a pair of actors realised 20 solidi, while in the early seventh another, an African collector of customs who was sold to a Jerusalem silversmith, fetched as much as 30 solidi; and this though he was sold incognito not as a clerk but as a general houseboy, who did washing and cooking and waited at table. It is significant also that Roman senators preferred to pay *aurum tironicum* at 5 lb. of silver or 25 solidi per man rather than part with their domestic slaves and *coloni* as recruits. Some lower prices are recorded. Remigius, bishop of Rheims, mentions in his will that he had bought a man named Friaredus for 14 solidi 'to prevent his being killed': in the circumstances he was no doubt sold off cheap. The Council of Matisco in 583 ordained that Jews must surrender their Christian slaves, but compensated them at the rate of 12 solidi each: the compensation in this case is not likely to have been generous. In a late fifth century African document a six-year old boy is sold for one solidus and 700 *folles* (probably equivalent to 3 solidi in all). At Hermopolis 4 solidi were paid in the sixth century for a little black girl, 'Atalous by name, renamed by you (the purchaser) Eutychia, about 12 years of age more or less, an Aloan by race'.<sup>68</sup>

The main lawful source of slaves for the market was the barbarians beyond the frontiers. Prisoners of war did not perhaps often come on the market, as the government preferred to enrol them in the army, or settle them on the land as *laeti* or sell or grant them to landowners as *coloni*, in which status they would still, with their descendants, be liable to military service. But no doubt soldiers often managed to secure prisoners for themselves, and kidnapping and intertribal wars produced a regular flow of barbarian slaves into the empire. Themistius denounces the tribunes and *praepositi* of the frontier forces as being more interested in the slave trade than in their military duties, and Ammianus vividly describes how the *comes* and the *dux* on the lower Danube in 378 exploited the famine among the immigrant Goths, buying their children for a mere song, and selling them all over Thrace. Prices were substantially lower in the frontier areas than in Italy. Symmachus at Rome thought it worth while to ask Flavian, the praetorian prefect of Italy, then presumably in Illyricum, to buy him twenty stable boys, 'since on the frontier slaves are easy to come by and the price is usually tolerable'.<sup>69</sup>

This source was supplemented in various illegal or quasi legal ways. In the strict theory of Roman law the liberty of a Roman citizen was on Roman territory inalienable; he could only become a slave if he were taken beyond the frontiers, and on returning to Roman territory he automatically reacquired his liberty by *postliminium*. There were, however, a number of loopholes in the law. If parents exposed their children they were debarred from later reclaiming them, and those who brought up foundlings could treat them as slaves, until Justinian altered the law and made foundlings free persons. Parents could also sell newborn infants (*sanguinolenti*), but in this case under a law of Constantine had the right of redeeming them later for a fair price. A Visigothic law fixed this at one solidus for each year of their age up to ten, this being deemed the cost of feeding them; ten was the maximum, it being held that after ten the children would have earned their keep by their services.<sup>70</sup>

Parents were forbidden to sell older children or to pledge them for debt, but it is abundantly clear that despite the law they frequently did so. Constantine admitted as much in granting allowances of food and clothing to poor parents, to prevent their selling their children. It is a regular complaint that poor craftsmen and shopkeepers had to sell their children to pay the *chrysargyron*. How little the law was regarded is shown by a constitution of Valentinian III which records that during a famine in Italy in 450 large numbers of people had been driven to sell their children and

relatives and specially enacts that they may recover their freedom on repaying the purchasers the price received plus 20%; the typical prices cited, five or ten solidi, suggest that slaves had been obtainable at bargain prices owing to the crisis. Rufinus gives a specific case of a taxpayer who owed 300 solidi to the treasury and had to sell his three children in his attempt to raise this sum, while in a petition from Egypt dated 569 Martha records that her father Menas, having fallen into utter poverty, had pledged her sister for one solidus, and that she had by her trade as a saltfish seller saved up half a solidus to redeem her.<sup>71</sup>

Adults who allowed themselves to be sold did not in strict law prejudice their freedom, but if a person over twenty not only acquiesced in such a transaction but received a part of the price for himself, he became a slave. We know of a few self-sales, but they were made for religious motives; more commonly the transaction was no doubt due to extreme poverty or to debt.<sup>72</sup>

Many thousands of Roman citizens were captured by barbarian raiders from the frontier provinces, and later from the heart of the empire, when the barbarians broke through the defensive ring. Very many such prisoners were redeemed by their relatives and friends, or by the church; bishops were allowed to pawn or sell the church plate for this charitable purpose, and Justinian even permitted the churches of Moesia, which were particularly hard pressed, to alienate real property. But large numbers were sold back into the empire as slaves. Such persons did not technically forfeit their free status but their purchasers could hold them as slaves in pledge until they could refund the price which had been paid for them, either by realising their property or by the help of friends or relatives. Many who had no resources and were sold far from their homes must have fallen into slavery permanently, and in 408 Honorius introduced a more merciful rule that such persons could redeem themselves by five years' service. Even so it is probable that many failed to assert their rights. Theodoret tells a romantic story of a little girl, Maria, who was captured by the Vandals in Africa and sold by them to merchants who sold her in Cyrrhus, together with a faithful slave of her family. The slave told the story, and the local garrison raised a subscription, bought her from her owner and entrusted her to Theodoret. Ten months later news came through that her father Eudaemon was not only alive but held office in the West, and Theodoret arranged for her repatriation. Here all ended happily, but there must have been many helpless persons, especially children, who were not so lucky.<sup>73</sup>

Despite the many sources from which they were drawn it would

seem that demand exceeded supply. Slaves were dear in the interior of the empire, though relatively cheap on the frontiers: it would seem that the local market absorbed most near the source of supply. Another indication of the shortage of slaves is the common use of indentured free persons instead of slaves as personal servants. We have a number of contracts of service (*παράμωρη*) from Egypt, in which a free person indentures himself—or is indentured by his parents—to serve for a term of years, specifying sometimes in great detail what board or wages, clothes and perquisites he is to receive, as—to quote an unusually outspoken document—‘a resident domestic slave boy’. Such contracts are often made in consideration of a loan or advance of wages.<sup>74</sup>

There were certainly merchants who imported eunuchs and other barbarian slaves and bought Roman captives from the barbarians. Both the black girl Atalous and Maria of Carthage had passed through the hands of slave merchants. In the late sixth century there was a substantial slave trade from Gaul to Italy. Many of the merchants were Jews and Pope Gregory was prepared to tolerate their buying Christians—which was strictly against the law—if they did so on commission on behalf of Christian purchasers, or sold them within forty days of their arrival in Italy. Much of the traffic, however, was by private treaty between one owner and another. The total volume of the trade, catering as it did normally for the wealthy and well-to-do, cannot have been very large.<sup>75</sup>

We may now attempt to draw some picture of the commercial and industrial classes in the empire. In the larger villages, as we have seen, whether those of freeholders or those on the great estates, there were craftsmen—potters, carpenters, smiths, weavers and fullers—who sold their products direct to their customers, and dealers in foodstuffs—bakers, butchers, beekeepers and vegetable sellers. The villagers exchanged their products at rural fairs, and at these they could buy from travelling merchants goods not produced in the district, and sell to them local specialities which would command a good price elsewhere. Theodoret tells a story of such a fair at Immae, a large village in Antiochene territory about twenty-five miles from the city, which attracted merchants in large numbers from all parts: a merchant who had sold all his stock and had his wallet full of gold was murdered as he travelled away. Cassiodorus describes another fair, which

seems to have been on a rather larger scale, held on St. Cyprian's day near Consilinum in Lucania. At its stalls could be bought the products of Campania, Bruttium, Apulia and Calabria: it was a notable cattle market, clothes of all kinds were on sale, and boys and girls—the children of needy parents—could be purchased as slaves. Here again local peasants had set upon the merchants as they left and despoiled them. Apollonius the retired merchant (*ἀπὸ πραγματευτῶν*), who became a monk in the Nitrian desert, was probably such a travelling merchant: knowing no craft whereby he could keep himself, he bought a stock of medicines and dainties, such as grapes, pomegranates, eggs and white bread, and made his living by hawking them round the cells of sick monks.<sup>76</sup>

All peasants had to sell a part of their crops, if freeholders, to buy such household necessities as they did not produce themselves and to pay their money taxes, if tenants, to pay their rent (if not in kind) as well. There were village merchants who bought the local crops and carried them to town: a wine merchant is recorded at Aphrodito and Theodoret tells of a certain Abraham, who, wishing to convert a pagan village of freeholders, rented a house there and set up as a merchant in walnuts, the principal (export) crop of the place. There were also professional carriers, who owned pack animals—donkeys, mules or camels—on which they carried agricultural produce to the cities. Libanius protests against the unfairness of pressing such men to carry builders' rubbish out of the city on their return journey. They were kept waiting all day, their sacks were torn and made filthy with mud, and their beasts worn out by the heavy loads.<sup>77</sup>

The smaller cities did not differ substantially from the larger villages: they too served as markets for the produce of the surrounding countryside, and their craftsmen supplied the needs of the townsfolk and the neighbouring villages. The larger the city the greater was the number and variety of the craftsmen and of the dealers in foodstuffs, wholesale and retail, including corn merchants who bought up and stored the crops and sold them to the local retailers and bakers. Corn merchants and retailers are mentioned at inland cities like Caesarea of Cappadocia, which neither exported nor imported corn, and it was evidently from such local dealers that compulsory purchases of corn were sometimes made by the government.<sup>78</sup>

In the metropoleis of provinces and the other great cities, university towns like Athens or Berytus, or centres of pilgrimage like Jerusalem, there would be dealers in high quality imported goods and superior craftsmen, catering for both the local notables

and those of the province, and in some cases for students and pilgrims. Some cities, where there were government arms or clothing factories, or where high quality goods were produced for export, like Scythopolis, Tarsus, Laodicea of Syria and Byblus with their linens, or Mutina, Ambiani, Bituriges, Treviri or Poetovio with their woollens, had a considerable industrial population. Then there were the great ports which handled most of the long-distance trade, usually, like Arles or Ephesus, at the mouth of an important river, along which barges plied collecting agricultural produce; and lesser ports which tapped a smaller area, with their merchants, shipbuilders, sailors and dockers.

Finally, there were the great cities of the empire. Some of these were important primarily as markets. An extreme case is Rome. Here there was a large resident population of wealthy senators and clergy, and a constant flow of visitors, students, pilgrims, litigants, bishops attending councils, literary men giving lectures; and to serve their needs merchants, artists, craftsmen and shopkeepers, dockers, porters and labourers. There was a heavy flow of imports to Rome, and a busy industry to cope with local needs, but it was neither a commercial nor a manufacturing city.

Constantinople seems to have been a rather similar city: Themistius boasts that ships converged on the capital from Asia, Syria and Egypt, bringing in the products of all quarters of the world, but that the only cargo that they carried outward bound was builders' rubbish. Antioch had its two armament factories, and apparently produced cheap linens for export, but Libanius in his great panegyric on the city has very little to say on either trade or industry. He mentions that wine and oil were exported from Antiochene territory, but he praises Seleucia as a port where merchant ships congregated from Europe, Africa and Asia bringing in their finest products, 'since the keen demand attracts merchants' thoughts thither, so that through it we enjoy the products of every land.'<sup>79</sup>

Very different was Alexandria, which was not only an important administrative centre, seat of the Augustal prefect, the *comes Aegypti*, the *praefectus annonae* and the *comes et rationalis summarum Aegypti* with their staffs of officials and barristers; the residence of a patriarch and his numerous clergy; a centre of pilgrimage with its famous shrines of SS. Cosmas and Damian and S. Menas; a university town, celebrated for its school of medicine. It was also a great port, which handled not only the exports of Egypt but the trade with Arabia, East Africa and India. It was also an important industrial town, noted for its linens, its glassware, its papyrus,

which supplied the whole empire with writing material, and for many luxury products, such as fine silverware and jewellery and perfumes and unguents made up from oriental imports.<sup>80</sup>

The lowest stratum of the urban population was formed by the casual labourers, who were particularly numerous in the building industry. In the fourth century labour for public works was usually obtained by the *corvée* system, but the church and private individuals, unless they received an imperial grant, must always have employed hired labour, and by the latter part of the fifth century the state had largely abandoned the *corvée*. The labourers on a large job must have been a curious mixture if John Moschus' stories are to be believed. Those employed by Ephraem, the *comes Orientis*, in rebuilding Antioch after the disastrous earthquake, included a bishop who found manual labour more tolerable than the cares of his office. Isaurians are also often mentioned among the building labourers at Antioch; these poverty-stricken highlanders were apparently reduced to earning their living by casual labour when they could no longer practise brigandage.<sup>81</sup>

When Anastasius was building the frontier fortress city of Dara, which he had to do quickly in order to present the Persian government with a *fait accompli* before they could object to the breach of treaty, he collected a vast labour force from all quarters by offering very high rates of pay, four carats a day for a man, and eight carats for a man with a donkey. Normally rates were very much lower than this. We hear of labourers in Egypt earning one carat a day, and a monk who, aspiring to buy a beautifully bound copy of the New Testament costing three solidi, took work as a labourer on a cistern which John, the bishop of Jerusalem (516-524), was building got only 5 *folles* a day, which at the current rate of 210 *folles* to the solidus works out at a little over half a carat. Even at this rate, however, a man in full employment could earn 7 solidi a year, about as much as a private soldier got.<sup>82</sup>

Urban craftsmen and shopkeepers were universally organised in guilds (*collegia*): they are commonly called guildsmen (*collegiati*) in the Codes. The guilds were useful to the local and imperial authorities for the collection of the *chrysargyron* and for the imposition of *corvées* and compulsory services of various kinds (*munera*). Some of the services were for the benefit of the city and directed by the civic authorities; in Majorian's words, the guildsmen had to provide labour services for their native city in rotation under the



direction of the *curiales*, and Honorius declares that owing to the flight of the *collegiati* into the country 'the cities robbed of their services have lost the splendour with which in old times they had shone'. The nature of these services is rarely specified in the Codes. The *corporati* of Alexandria had to dredge the river, and it is probable that in Western cities the three guilds of the *dendrofori*, *centonarii* and *fabri* had to provide a fire brigade, as they had under the Principate. Libanius protests against the heavy *corvées* imposed on the craftsmen and shopkeepers of Antioch, cleaning the drains and re-erecting columns—work which they either had to do themselves or hire labour to perform.<sup>83</sup>

Other services were for the benefit of the imperial government, chiefly in connection with the *cursus publicus*. A law of Valentinian forbids peasants to be pressed into conveying animals (*prosecutio animalium*) and lays this burden on the city guilds, while from Egypt we have nominations of townsmen to perform this duty and also to serve as letter carriers on the *cursus velox*, and as sailors on the public barges which conveyed the *annona* down the Nile. Libanius also records that at Antioch the craftsmen and shopkeepers had to serve and maintain the equipment of the hostelry attached to the local *mansio* of the *cursus publicus*, supplying the beds, tables and tableware and replacing breakages and losses, and serving as cooks, cleaners and attendants.<sup>84</sup>

The guilds were also useful to the local authorities for controlling prices and regulating trade practices for the benefit of the customer—and might be used by their own members to promote their own interests. From the early fourth century, when prices were soaring owing to the rapid depreciation of the denarius, we have a group of declarations by various guilds of Oxyrhynchus—the bakers, brewers, oil sellers, honey dealers, pork butchers, fish-mongers and coppersmiths—to the *curator* of the city, stating month by month what prices they would charge. From the year 459 we possess a detailed agreement between the *defensor* of Sardis and the local guild of builders. The latter undertake that their members will not abandon work on a contract, provided that the employer pays the wages mutually agreed, and that they will supply a substitute for any member who wilfully fails to complete a contract, and also, after a period of grace, for a member who is unable to do so owing to sickness. They also guarantee to pay the penalty stipulated in the contract if any member obstructs completion of a contract by another. A law of Zeno, dated 483, which prohibits combinations between dealers to fix prices and between builders and other craftsmen to refuse to work on contracts not completed by their fellows, imposes a fine on the heads of the

guilds concerned. The bakers were the guild which most often came into conflict with the authorities. Libanius often protests against the way in which the governor or civic magistrates would fix the price of bread low during a shortage and flog bakers who exceeded it.<sup>85</sup>

Of the structure of industry we know very little. There were some slave establishments owned by well-to-do proprietors. When Libanius' friend Thalassius was refused admission to the senate of Constantinople on the ground that he was a cutler, Libanius indignantly explained that he was no mere artisan, but like Demosthenes owned a factory of slave craftsmen. A law of 383 which permitted the cities of Moesia to enrol on the councils commoners whose wealth consisted in slaves must refer to similar establishments.<sup>86</sup>

But in general industry seems to have been carried on by small independent craftsmen helped by their families and sometimes by apprentices and a few slaves or hired assistants. Caecilianus, one of the *duoviri* of the little African town of Aptungi in 303, seems to have been a prosperous craftsman of this type. He had gone to Zama to buy linen yarn on the day that the edict of persecution arrived, he deposed before a *duovir* of Carthage twelve years later, and giving evidence before the proconsul Aelianus he further deposed: 'He came to me at my house, I was having dinner with my workmen. He came there and stood at the door. "Where is Caecilianus?", he said, "Here," I answered, "what is it?" I said to him. "Is everything all right?" "Yes," he said. I answered him: "If you don't mind having dinner with us, come in and sit down."' Caecilianus must have been a man of some substance to be *duovir*, even of a little town like Aptungi, but he was apparently illiterate—at any rate he employed Ingentius to write his official letters for him when he held the office—and he ate with his workmen, who may have been hired men or slaves, and probably worked with them.<sup>87</sup>

The builders of Sardis were evidently working masons, seeing that sickness was a valid excuse for delay in completing a contract. Most craftsmen seem to have been in a small way: they are classed in the laws as *plebeii*, and only the most prosperous could aspire to the decurionate even in the smallest towns. They plied their trades, as today in the Near East, in little workshops facing on the street; at Antioch they were obliged to keep a lamp burning all night outside their shops to provide street lighting, and Libanius protested that the governor's insistence on tripling these lights had ruined many of them. Others too poor to afford shops worked in stalls between the columns of the street colonnades.<sup>88</sup>

Trades tended to be hereditary, since fathers naturally trained their sons in their own craft, but this was matter of custom not of law, and exceptions are to be found. John of Lycopolis was apprenticed to a carpenter, but his brother was a dyer. From Egypt we have several articles of apprenticeship and contracts of service for a year or term of years, specifying the wages or rations and clothing which the master is to give. From Egypt too we have the record of a dispute between the builders' guild of Oxyrhynchus and one Paul, a linen weaver's apprentice or former apprentice, now working with his master. The linen weavers, Paul's counsel explains, 'are of no small usefulness to the public services, as you, my lord, well know. For they contribute much to the *anabolicum* and there is all the work that they have to do. But despite this pressing need the builders claim to regard them alone as useless. For they are striving to make my client a builder, though he is an unoffending linenweaver. Their attempt is utterly unlawful, for they want to drag him from the trade that he has learned, and to teach him another, that of a builder'. The judge, the *juridicus Aegypti*, upheld Paul's plea, ruling that 'if he has learned the craft and is already in that trade, he is not to be transferred to another craft'. It would appear from counsel's arguments that the builders were claiming that they needed extra manpower, and from the judge's carefully worded ruling that if Paul had not yet passed his apprenticeship he might have been compulsorily drafted into the builders' guild.<sup>89</sup>

From 395 onwards—and particular in the next decade—a number of laws were issued in the Western empire prohibiting *collegiati* from enrolling themselves in the *officia*, enlisting in the army, or migrating to the country and taking up agriculture, and recalling to the guilds those who had thus left them. This legislation was confirmed by Valentinian III, who also forbade *collegiati* to take orders in the church. In the West, then, where the urban guilds were in decay, in order to maintain the civic services which depended on their labour, the government attempted to make the craftsmen and shopkeepers into a hereditary caste. No similar laws were issued by the Eastern emperors, and none of the Western laws were reproduced in Justinian's Code. In the East the guilds of craftsmen and shopkeepers evidently continued to flourish and their membership remained free.<sup>90</sup>

It is unfortunate that we know least of the most important industrial towns, those which produced fine fabrics for export. Something can be gathered from Procopius' rather confused account of how Justinian ruined the silk industry. The raw silk, according to a law of Justinian, was bought from the Persians by

the imperial *commercarii* at the rate of 15 solidi the pound, and was resold by them at the same price to the raw silk merchants (*metaxarii*). The industry was concentrated at Berytus and Tyre, where, according to Procopius, the merchants (ἐμποροί), the superintendents (ἐπιδημιουργοί) and the craftsmen (τεχνῖται) resided. The craftsmen were humble manual workers, who were threatened with starvation when the industry was killed; they were clearly free men, for many of them migrated to Persia. It may be conjectured that they worked as wage earners for the *metaxarii* or for the superintendents, who were presumably either managing agents of the *metaxarii* or entrepreneurs who bought silk from them. Alternatively the *metaxarii* or superintendents may have jobbed out work to the craftsmen on a piece-work basis. Some *metaxarii* seem to have kept the whole business in their hands from start to finish, buying the raw silk and selling the silk garments: such men often resided at Constantinople, which was their principal market.<sup>91</sup>

Whether the structure of the high-grade woollen and linen industries was similar we do not know. Silk, since the raw silk was very expensive and all imported, lent itself particularly to this form of organisation. The fine wools which were used for the best fabrics were also relatively dear. Atrebatian wool cost four times as much as 'best middle' and eight times as much as ordinary wool. The best linen yarn, such as would have been used for the named brands of fabrics, cost 1,200, 960 and 840 denarii a pound according to grade, while ordinary yarn cost from 720 to 450, and coarse yarn only 250 to 72. The weavers in these industries may well have worked for merchants. Ordinary weavers no doubt bought their yarn, as did Caecilianus, and sold their own products. We know of one weaver who rented a piece of land and grew his flax on it; but he was a village weaver of Aphroditon.<sup>92</sup>

Rather superior to the ordinary run of craftsmen were the workers in certain highly skilled trades. Constantine, anxious to encourage these trades, which as a result of the anarchy and impoverishment of the late third century were in decline, exempted them from the personal burdens to which ordinary craftsmen were subject, and this rule was still maintained in the sixth century. The list of exemptions opens with some occupations of professional or semi-professional status—architects, doctors, veterinary surgeons, painters and sculptors. There follow various skilled crafts in the building trade, carvers in stone and marble, makers of mosaics and tessellated floors, plasterers and makers of coffered ceilings, gilders and woodcarvers; metal workers, such as iron smiths, bronze smiths, plumbers, silversmiths and goldsmiths; founders and makers of statuettes; potters and glassworkers; carpenters with

inlay workers and ivory carvers; fullers, furriers and purple dyers. Such specialists would mostly have been found in the greater cities, where there was sufficient demand for their products. The building workers were from the nature of their crafts to some extent itinerant. In a letter to the magnificent Isocasius, a sophist, Theodoret, bishop of Cyrrhus, promises to send to him a skilled woodcarver called Gerontius, though he still needs his services for himself: the *clarissimus* Eurycianus, a tribune, also apparently wants Gerontius to decorate his house. Gregory of Nyssa, when he was building his octagonal chapel, wrote to Amphilochius, bishop of Iconium, asking him if he could send him some builders skilled at vaulting. He had made a contract with a gang of thirty freemasons, but they were not the type of mason he needed, and were expensive, costing one solidus (per day for the whole gang?) and their keep. He would prefer a contract which specified the amount of work to be done per day, so that he would not have to pay them for the days they were not working.<sup>93</sup>

The aristocracy of the craftsmen was formed by the goldsmiths, silversmiths, and jewellers, who from the nature of their trade had to carry some stock of expensive goods. Even they, however, did not need to be wealthy men, for they often worked up customers' materials. A charming story is told of a pious apprentice in a goldsmith's shop. A wealthy patrician ordered an elaborate gold cross set with jewels, providing the materials, and the apprentice in his pious zeal added some gold out of his own wages. When the cross was weighed in the presence of the customer and found overweight, he was accused of alloying the metal supplied: the story ends happily with the patrician adopting the apprentice as his son. We also hear of a deacon who worked as a silversmith at Jerusalem. His shop was burgled and he lost 100 pounds of silver, which would have been worth the considerable sum of 400 solidi. But his distress, we are told, was all the greater because much of it was not his own property. It was the ambition of the silversmiths and jewellers of the metropoleis to be enrolled among the *cohortales* of the provincial *officium*. This seems a humble enough ambition, but Theodosius II indignantly ordered 'every rank and grade to be purged of such contagion'.<sup>94</sup>

Much higher up the social scale were the *argentarii* (ἀργυροποῦνται) of Constantinople, who from being silversmiths had developed into rudimentary bankers, and received deposits, made loans, and would arrange transfers of money: in a document dated 541 we find Flavius Anastasius, *argentarius* of Constantinople, making a loan of 20 solidi at 8 per cent. to two Egyptians for four months, repayable at Alexandria to his agent Thomas. Justinian exempted

them from the general ban against *negotiatores* holding civil service appointments (*militiae*). From his voluminous legislation on this point it appears that the ambition of the *argentarii* of the capital was to buy for themselves or their sons one of the many saleable sinecure offices about the court: these were a form of annuity, carrying a salary, and also gave social distinction and some legal privileges. They varied very considerably in price, from over 2,000 solidi for the post of *protector domesticus* to a mere 250 for a clerkship in the *sacra scrinia*: the Flavius Anastasius mentioned above was content with the fairly modest office of *castrensianus sacrae mensae* or Waiter at the Imperial Table. Difficulties arose when *argentarii* went bankrupt, as they seem, to judge by their numerous petitions to Justinian, to have done fairly frequently. A fraudulent *argentarius* might cheat his creditors by putting all his assets into *militiae* for himself and his relatives, and Justinian ruled that creditors might therefore insist on such *militiae* being sold. On the other hand it was maintained by the *argentarii* that it was unfair that *militiae* bought for their sons out of their wives' fortunes should be thrown into the pool, and this exception Justinian allowed.<sup>95</sup>

Trade is rather difficult to disentangle from industry in the Roman empire, for most craftsmen sold their products direct to customers, and some, like jewellers, were simultaneously skilled workmen and purveyors of imported articles. Nevertheless there were many merchants (*negotiatores*) in the strict sense, who made their living by buying and selling goods. The petty shopkeepers of the towns and the larger villages have been already discussed. Superior to these were the merchants who imported and distributed high-class goods of luxury character, especially the clothiers. Such men normally lived in the larger towns, the provincial and diocesan capitals. In such cities there were customers for quality goods, the vicar or governor with his assessor and higher officials, the barristers of diocesan or provincial bar, the metropolitan and the higher clergy. Moreover many of the provincial nobility made their homes in them, and they served as shopping centres for those of the upper classes who lived in the provincial cities or in country villas. *Honorati* and *curiales* had to attend the annual meeting of the provincial council at the metropolis, and there were also diocesan councils, which gave an opportunity of visiting a great city like Carthage or Thessalonica. Honorius in authorising the revival of the annual council of the Seven Provinces at Arles suggests that a visit to a city where the products of all provinces are on sale may

not be unwelcome to the *honorati* and *curiales*. Bishops similarly had to attend the annual provincial synods at the metropolis and in some areas diocesan synods were regularly held, in Africa, for instance, at Carthage. It was to Alexandria that the Egyptian bishop Troilus had come with his thirty pounds of gold to buy an embossed silver dinner service, when John the patriarch shamed him into distributing it to the poor.<sup>96</sup>

These dealers in luxury goods aspired, like the silversmiths and jewellers, to posts in the provincial *officium*. They cannot therefore have been very rich or important persons. We possess some family papers of Aurelius Psates, a purple seller of Panopolis at the end of the sixth century, and of his two sons, Pachymius and John, who succeeded him in the business. Psates owned two houses in Panopolis, and two others in the village of This, where he later settled down. Pachymius bought another house in This, and one floor of a three-storey house in Panopolis. He employed assistants, one of whom indentured himself to serve for two years at the pay of 19 *artabae* of wheat, 9 in the first year and 10 in the second. The family was evidently comfortably off in a modest way.<sup>97</sup>

In the West many of these importers were orientals, natives of the areas from which the bulk of the high quality goods originated; they no doubt maintained trade connections with their old homes and had expert knowledge of the goods they handled. When Procopius of Caesarea was sent by Belisarius to spy out the land in Sicily, he was happy to find a fellow citizen and boyhood friend who had settled as a trader in Syracuse. An inscription dated 602 records Peter of Alexandria, who was a linen merchant at Panormus, the second city of Sicily. A papyrus reveals that George, son of Julian, a silk merchant who left his estate to the church of Ravenna in 552, was a citizen of Antioch.<sup>98</sup>

At Rome in the early fifth century the Greek general dealers (*pantapolae*) aroused the jealousy of the local shopkeepers (*tabernarii*) and they were expelled on the charge of exceeding the statutory prices. In 440 Valentinian III found it necessary to recall them in the interests of the people of Rome. At Ravenna Sidonius Apollinaris regarded it as a paradox that 'the clergy are moneylenders and the Syrians sing psalms', while in the sixth century several local tradesmen, Marinus, the money changer, John the *argentarius*, Peter the *collectarius*, John the Syrian, the *negotiator*, attest Latin documents in Greek, or write out the Latin formulae phonetically in Greek characters.<sup>99</sup>

Even in Merovingian Gaul many of the shopkeepers were Jews and Syrians; King Guntram entering Orleans in 585 was greeted by acclamations in Hebrew and Syriac as well as Latin. Some of the

resident oriental merchants were prosperous men. Euphronius, a Syrian *negotiator* of Burdigala, was prepared to pay 200 solidi to save his treasured relics of St Sergius from the rapacity of Gundovald, and Eusebius, a Syrian merchant of Paris, was rich enough to outbid local rivals for the bishopric of the city in 591. Priscus the Jew, who supplied King Chilperic with luxury goods, was evidently a wealthy man.<sup>100</sup>

Itinerant merchants may be divided into two classes, those who traded by land and those who traded by sea. The former included many very humble folk, such as the pedlars who frequented the village fairs. Into this class would fall the veterans who preferred a cash donative to a peasant's holding of land and the humble clerics who earned their living by trade: they were exempt from the *chrysargyron* up to an assessment of 10 or 15 solidi. One would expect to find men of greater substance engaged in the trade beyond the frontiers of the empire. Priscus of Panium met one of these in Attila's camp. He was, he said, a Greek who had settled at Viminacium on the Danube and prospered in trade and married a rich wife. He was wealthy enough to be allotted as a special prize to Onegesius, one of the Hunnic nobles, when the town was captured. Even the merchants engaged in the lucrative luxury trade with Persia seem however to have been relatively modest men. In the fourth century Antoninus, a 'wealthy merchant' (*opulentus mercator*) of Mesopotamia, entered the *officium* of the *dux* as a financial clerk and rose to be a *protector*: if so minor a post in the civil service was a step up in the social scale the standard of wealth among Mesopotamian merchants cannot have been high. In the sixth century we hear of two brothers, Elias and Theodore, who served as agents for a merchant in Persia. They were paid at first 5 or 6 solidi a head per year, little more than a common soldier's ration allowance, and were during twenty years' service raised to 10, 20 and finally 30 solidi, perhaps what a senior non-commissioned officer received. They then set up on their own first at Edessa and later at Melitene.<sup>101</sup>

In maritime commerce a distinction must be drawn between the shipper (*navicularius*, *ναύκληρος*), the captain (*magister*, *κυβερνητής* or *προναύκληρος*) and the merchant (*mercator*, *negotiator*, *ἐμπορος*, *πραγματευτής*) or his agent (*πιστικός*). All these roles might be, and very commonly were, filled by one man, the owner of a vessel which he navigated himself and which he loaded with cargoes which he bought and sold. There were, however, shipowners who did not navigate their own ships. The church of Alexandria owned over a dozen large seagoing vessels. On one occasion the entire fleet was caught in a storm in the Adriatic and had to jettison



its cargo, which included dried fruit, clothing, and silver; the loss was estimated at 34 *centenaria* (nearly 25,000 solidi), and the agents and captains (οἱ πιστικοὶ καὶ προναύκληροι) responsible took sanctuary on their return to Alexandria. Other great landowners sometimes owned ships, and it was an abuse which the imperial government prohibited for small owner-masters to sail under the flag of a great man in order to secure privileged treatment. A merchant shipper in a big way might also own a fleet of ships which he operated by agents and captains, and we hear of a quite modest shipper who sent out his one ship under his brother as agent (πιστικός).<sup>102</sup>

Most shippers not only carried their own cargoes, but also merchants with their wares, charging them passage money and freight. The Digest preserves elaborate rules for apportioning the loss between them and the shipper when part of the cargo had to be jettisoned. Hilarion the hermit, when to avoid arrest he took a passage at Paraetonium in Libya for Sicily, was afraid of being recognised by the sailors and merchants on board. John Moschus tells of a jewel merchant, travelling with his slaves, who was nearly murdered by the crew for the sake of his precious wares.<sup>103</sup>

Some shippers and merchants no doubt plied wholesale trade, buying goods in the centres of production and selling them to importers in the centres of consumption, or buying and selling cargoes at one of the big merchants' fairs. There was an annual fair of this kind at Aegae in Cilicia, which lasted, free of toll, for forty days. Even after Vandal piracy had made the Mediterranean unsafe for shipping it was frequented by western merchants, who no doubt bought oriental wares which had come from Persia via Nisibis or Callinicum, as well as products of the region such as the linen fabrics of Cilicia and Syria. Theodore, anxious to repatriate Maria, the girl who had been sold into slavery at the sack of Carthage, sent her to the bishop of Aegae, confident that he could find a reliable shipper, captain or merchant from the West attending the fair, who would take her back to her father.<sup>104</sup>

But many lesser merchants, particularly those who travelled as supercargoes, hawked their goods retail from port to port. There is a revealing letter from Synesius, in remote Cyrene. He writes to his brother, down at the port of Ptolemais, that he has heard that the Athenian clothing merchant has made his annual call, and asks him to buy three Attic cloaks, and not to delay in case all his best wares should have been sold. Wholesalers also employed travelling salesmen who operated in the same way. Thus in the reign of Heraclius a wealthy Constantinopolitan dealer, perhaps a *metaxarins*, entrusted Jacob, a Jew, with clothing to the value of 2 lb.

gold (144 solidi) and booked him a passage on a ship sailing for Carthage, and perhaps Gaul. Jacob's instructions were to sell the clothes at ports of call, and remit the proceeds back to Constantinople; he received a salary of 15 solidi a year for his services. He actually disposed of all his stock at Carthage, selling them direct to customers, like the Athenian clothier whom Synesius patronised.<sup>105</sup>

A shipper thus made a part of his profit from fares and freight, but he normally carried a cargo of his own. The owner of a large merchant ship, of say 20,000 *modii*, would have to be a man of some substance, since in addition to his ship he would need working capital to pay his crew and to buy his cargo. The price of ships is not attested, but in the Rhodian Sea Law, which probably dates from the seventh or eighth century, when the value of money had not greatly changed, ships are assessed for average at 50 solidi per 1,000 *modii* if new, 30 solidi if old. A ship of 20,000 *modii* would then cost initially about 1,000 solidi, and to load a ship of this capacity even with a cheap cargo like wheat would require about ten pounds of gold.<sup>106</sup>

A shipper, however, rarely depended on his own capital exclusively, preferring to raise nautical loans, which would partially cover him against loss by storm. For such loans, since the creditor stood the risk of losing his money if the ship were wrecked or the cargo jettisoned, the rate of interest was subject to no legal limit, until Justinian in 528 fixed the maximum at 12 per cent. per annum, as against 8 per cent. for ordinary commercial loans and 6 per cent. for private loans.<sup>107</sup>

In 540 he received a petition from two citizens of Constantinople, Peter and Eulogius, who stated that they made their living by the issue of nautical loans: so speculative a business, where so much depended on an intimate knowledge of shippers and their ships, did not appeal to the ordinary investor and was usually conducted by men, often retired sea captains, who specialised in the work. They desired, they said, that the normal practices current in nautical loans should be confirmed by law. The praetorian prefect was ordered to hold an enquiry and summoned a group of shippers, who deposed that practice varied greatly. Sometimes the lender charged 10 per cent. but in addition was entitled to lade the ship (presumably on the return journey) with one *modius* of wheat or barley per solidus of the loan, free of freight and customs duty. Other lenders charged 12½ per cent. not per annum, but for the duration of the voyage: this worked out to the advantage of the shipper if he was delayed by bad weather but, as a normal round trip was a matter of two or three months, usually paid the lender. The shipper was entitled to 20 days' grace on his return to sell his

cargo, but was charged 8 per cent. if he failed to make repayment thereafter. Justinian confirmed these rules, but eight months later revoked the law.<sup>108</sup>

Only 12 per cent. per annum thus remained the rule, and it looks as if on these terms lenders were unwilling to make nautical loans, in which they took the risk of loss, but would only lend on ordinary terms. At any rate in two cases in the later sixth century, at Ascalon and at Tyre, we find that a merchant who has borrowed money and lost his ship is imprisoned by his creditors. Both stories have a romantic ending. At Ascalon there was a brigand imprisoned in the same gaol as the merchant, and he was so touched by the devotion of the merchant's wife that he revealed to her where he had hidden his swag. 'I was a brigand', he said, 'and committed many crimes and murders, and I know that when the governor comes and I am produced, I shall be executed as a murderer. I felt compunction when I saw your virtue. Go to such and such a place by the city wall and dig and take the money you will find there'. The brigand was duly executed, and the merchant's wife dug where he directed her and unearthed a pot of gold, which was more than enough to pay her husband's debts. At Tyre the other merchant's wife tried to make some money by prostituting herself, but her first customer, a wealthy man named Moschus, the local *commercarius* (controller of foreign trade), struck by her reluctant demeanour, asked her what her trouble was, and learning her story gave her the sum required, which was five pounds of gold.<sup>109</sup>

Neither of these two shippers seems to have been in a very big way of business. Nor was a merchant of Alexandria, who when he sailed for Constantinople, left his wife and little girl in charge of one slave, who unfortunately developed homicidal mania and rushed from the kitchen into the dining room brandishing a knife. The life of John the Almoner, patriarch of Alexandria (611 to 619), tells a strange story of another shipper of this class. He had fallen on evil days, and asked for a loan. John lent him five pounds of gold, with which, added to money of his own, he bought a cargo and set sail. No sooner was he out of Alexandria harbour than he was wrecked; his ship was salvaged but all the cargo lost. John inferred that the money which the shipper had added to the loan came from a tainted source, and lent him ten pounds of gold to buy a second cargo. Again the cargo was lost and this time the ship also perished. John inferred that the ship must also have been tainted and accordingly entrusted him with a ship of two myriads belonging to the church of Alexandria laden with corn. The captain was again involved in a storm which carried him

westwards for twenty days, and he eventually found himself in Britain. Luckily there was a famine here, and the chief men of the town where they landed offered to pay a solidus per *modius* for the corn, or alternatively to load the ship with a return cargo of tin.<sup>110</sup>

Another story in the life of John the Almoner introduces a more substantial merchant. This man had loaded his ship and sent it to Africa under his brother's command. He then came to the patriarch and offered him all the rest of his wealth, which amounted to 7½ lb. gold, asking only that he would pray for the life of his son and for the safe return of his ship. In the event the son died and the cargo was lost. The patriarch was greatly relieved when the merchant came to him and told him that it had been revealed to him in a vision that his son would have gone to the bad had he survived, and that but for his charitable gift he would have lost his ship and his crew, including his brother, as well as his cargo.<sup>111</sup>

A story told of an earlier patriarch of Alexandria, Apollinarius (551-569), concerns a much richer merchant. He had been one of the leading citizens of Alexandria and had left his son a great fortune in ships and in gold. The son had been unfortunate, and lost so much by shipwrecks that he was reduced to the utmost poverty. The benevolent patriarch, knowing that he was too proud to accept charity, summoned the church lawyer and instructed him to draw up a bond in which the church of Alexandria acknowledged a loan of 50 lb. gold from the young man's father, and, to add verisimilitude, to crumple and dirty the bond by dipping it in a barrel of meal. This done the lawyer was instructed to go to the young man and intimate to him that for a consideration, say three solidi, he would reveal to him something to his advantage. The young man sadly replied that he had not three solidi in the world, and the lawyer, pretending to be touched with pity, showed him the bond. The 50 lb. of gold set the young man on his feet again, and he was soon richer than his father.<sup>112</sup>

Palladius tells of another Alexandrian merchant, a man in the Spanish trade, who left his two sons 5,000 solidi in cash as well as clothes and slaves. Rufinus records that another, having returned down the Nile with three ships laden with merchandise—probably Arabian, East African and oriental wares transhipped from the Red Sea ports—distributed the profits of this expedition and all his substance to the poor to the amount of 20,000 solidi.<sup>113</sup>

These tales of the hagiographers, which are the only evidence we possess, may not be true, but they are contemporary and typical, and illustrate the scale of wealth which merchants enjoyed. An ordinary merchant who owned one ship usually operated on credit, borrowing sums of the order of 5 lb. of gold (360 solidi) to finance

a voyage, and putting in an equivalent sum of his own. Others had a larger reserve, and might still have 500 solidi in hand after loading a ship. Fifty pounds of gold (3,600 solidi) was sufficient working capital to launch a man as one of the leading merchants of Alexandria, and the merchant princes of the greatest commercial city of the empire owned fortunes of 70 or, if Rufinus' figure is to be believed, close on 275 lb. gold. These are substantial sums, but they make a very modest showing beside the fortunes of the great territorial magnates, who enjoyed annual incomes of 1,500 to 4,000 lb. gold.

The figures fall into line with all that we know of the social standing of manufacturers and merchants. There are one or two hints that great men sometimes owned ships or employed agents to trade on their behalf. Honorius forbade 'those who are noble by birth or resplendent with honours or richer in property to ply trade to the detriment of the cities, so that the intercourse of buying and selling may be easier between commoner and merchant'. This law seems to have been little needed. In general senators, *honorati* and even decurions considered industry and trade beneath them. Even the bankers and silk merchants of Constantinople aspired to nothing higher than petty court sinecures. The great majority of *negotiatores* were plebeians, who might, if they acquired enough slaves or bought some land, become eligible for the *curia* of a minor city, and who considered it a distinction to become enrolled in their provincial *officium*.<sup>114</sup>

The best evidence for the poverty of trade and industry is the *collatio lustralis*, the tax which Constantine imposed upon them and which Anastasius abolished. The *collatio* was comprehensive in scope. After 374, it is true, rural craftsmen, a numerous if humble class, were exempted, but rural traders remained liable. The term *negotiator* was widely interpreted, including not only merchants, shopkeepers and craftsmen but moneylenders and prostitutes. Legal immunities were few—painters, veterans and the lower clergy—and though there was some evasion by shippers and merchants who secured the patronage of the great, it was probably less extensive than in the land tax. By universal consent the burden of the tax was very severe. There are many complaints against the severity of the land tax, which was in fact very heavy; but they are surpassed by the laments over the *collatio lustralis*.<sup>115</sup>

Libanius in a pamphlet written not long after 387, the year of the famous Riot of the Statues at Antioch, when the desperate populace, on the announcement of a levy, rose and tore down the imperial images, says: 'I must now speak of what surpassed everything else, that is the intolerable tribute of silver and gold, that makes

men shudder at the coming of the dread *quinquennialia*. This tax has a plausible name derived from the merchants, but they use the sea to escape and the sufferers are those whose manual toil scarcely brings them bread. Not even the cobbler escapes. I have often seen them throwing their awls into the air, swearing that that was all they had. But that does not free them from the collectors, who snarl at them and almost bite them. This occasion, your majesty, increases slavery, depriving of their freedom those who are sold by their parents, not that their money boxes may receive the price, but that they may see it going into the hands of the collector'.<sup>116</sup>

During the fourth century the quinquennial incidence of the tax must have added to its terrors, for the average improvident taxpayer would not have saved up for it. But in 410 Anthemius, praetorian prefect of the East, enacted that 'what used to be demanded at one time and on a single demand now should be paid by small, very small contributions, so that the payers will not notice it'. In accordance with this rule the eleven members of an Egyptian guild elected a headman and agreed to pay him 2,000,000 denarii each on the 28th of each month for the *collatio lustralis*. The contribution is not so alarming as it appears, as the solidus at this date probably stood at about 60 or 70 million denarii: they were apparently reckoning on paying about one and a half solidi each at the end of four years.<sup>117</sup>

Nevertheless Zosimus in the fifth century speaks in similar terms to Libanius in the fourth. It was Constantine, he says, who 'imposed the tax of gold and silver on all who pursued trade everywhere, even on keepers of general stores in the cities, down to the poorest, not even exempting the wretched prostitutes from this tax. So that you could see, when the fourth year approached, when this tax had to be paid, moaning and lamentation in every city, and when it came, flogging and torture being laid upon the bodies of those who through utter poverty could not support the loss. And now mothers sold their children, and fathers prostituted their daughters, forced to pay the collectors of the *chrysargyron* from the money they thus earned.'<sup>118</sup>

This terrible tax, which drove the merchants and craftsmen of the empire to desperation, was abolished by so prudent and successful a financier as Anastasius: it apparently yielded about 5 per cent. of the imperial revenue.<sup>119</sup>

## CHAPTER XXII

### THE CHURCH

AT the Council of Ephesus in 431 the bishops of Cyprus presented a petition. When about to consecrate a new metropolitan of Constantia, they had received a threatening letter from the master of the soldiers of the East, forbidding them to proceed. This letter, they declared, had been inspired by the bishop of Antioch. 'And what was the object of the bishop of Antioch?' asked the council. 'He was trying to lay his hands on our island,' replied one of the Cypriots, 'and to usurp the consecrations for himself, contrary to the canons and the custom which has prevailed from ancient times.' 'So it appears,' the council asked, 'that the bishop of Antioch has not consecrated any bishop in Constantia?' 'From the time of the Holy Apostles,' replied another Cypriot, 'they can never prove that the bishop of Antioch stepped in and held consecrations or had anything to do with the island, or interfered with consecrations there—neither he nor anyone else.' 'The council recalls the canon of the holy fathers assembled at Nicaea which maintained the privileges of each church at that time, in which the city of Antioch is mentioned. Inform the council whether the bishop of Antioch has not the right by ancient custom to hold consecrations among you.' The second Cypriot again spoke up. 'We have already deposed that he has never stepped in or consecrated either in the metropolis or in any other city. The council of our province, acting according to the canons, appoints our metropolitan. We beg your holy council to confirm this by your vote, so that the ancient custom which has prevailed may now prevail, and our province may suffer no innovation from anyone.' The council, after verifying that the last three metropolitans of Constantia had indeed been consecrated by the provincial council, gave provisional judgment in favour of the Cypriots.<sup>1</sup>

This debate is typical of many. In any dispute the canons of the councils and ancient custom are the determining factors. Fundamentally the constitution of the church rested on custom, for in

enacting canons councils did not claim so much to legislate as to give their sanction to established custom. Such customs, formally approved by a great council, acquired a stronger and more lasting validity; hence the inquiry of the Council of Ephesus about the Nicene canon, which as generally interpreted gave *prima facie* support to Antiochene claims. But ancient custom was a good enough justification for many anomalies not plainly contrary to any canon. Customs of course grew and changed, disputes arose, and councils were asked to adjudicate. They sometimes accepted ancient customs of recent growth on somewhat slender evidence, sometimes they compromised between two conflicting claims without seriously investigating their historical basis. But they rarely if ever enacted any overt innovation. 'Let the canons prevail,' 'let ancient custom prevail,' were their typical slogans. As in this case bishops were sometimes prone to invoke the aid of the secular arm to enforce their interpretation of the canons and of ancient custom, and the more influential were able to obtain imperial constitutions confirming their claims. But such appeals to the imperial government were always condemned in principle, and on its side the government rarely intervened, except in response to ecclesiastical pressure.

Such being the principles on which it was shaped, the constitution of the church was naturally not a logical or coherent whole. It was full of local or regional variations and abounded in odd anomalies. It grew from the bottom upwards, and it was only gradually that bishoprics were grouped in provinces, and provinces in larger units of church government. Its growth was irregular, depending on the varying success with which greater sees, by gradual encroachments, hardening into custom, established their ascendancy over their lesser neighbours. The process was slow, extending over the fourth and fifth centuries, and until it was completed there was ample room for conflict between the rival great sees in the no man's lands between them.

The basic organisation of the church had been formed long before the Great Persecution. Each Christian community, or church in the narrower sense, was ruled by a bishop whose powers were autocratic. He might consult his clergy or even his whole flock, and in controversial matters perhaps normally did so; but his judgment was final. He ordained his priests, deacons and lower clergy: he could deprive them if they were disobedient to his commands. He admitted new members to the community, and



could expel those whose morals or beliefs he condemned. He controlled the revenues and distributed them at his pleasure. He held his office for life, and his people could not depose him.<sup>2</sup>

In his appointment they had some voice. The choice of a new bishop had at least to be approved by the clergy and people of the church which he was to rule, and they might take the initiative in selecting a candidate. But a bishop could be consecrated only by another bishop, and normally the bishops of the neighbourhood acted in concert. The appointment of a bishop was thus dependent upon agreement between the local community and the bishops of the district. The latter could also adjudicate disputes between themselves, or between a bishop and a member of his flock. They could even, in an extreme case, depose a bishop. For these purposes councils of neighbouring bishops were held, at first as occasion arose, then regularly once or twice a year. Such councils served as a check on the autocratic power wielded by one bishop over his church.<sup>3</sup>

The church in the ecclesiastical organisation normally corresponded to the city in the secular administrative scheme. This was only natural, since the city was the unit not only of government but of social life. According to Theodore of Mopsuestia this arrangement was not primitive. 'Originally there were usually only two, or at most three, bishops in each province,' he writes, 'a state of affairs which prevailed in most of the Western provinces until quite recently, and which still may be found in several at the present day. As time went on, however, bishops were ordained not only in cities, but in quite small places where there was really no need of anyone being invested with episcopal authority.' It is very doubtful if Theodore, who wrote towards the end of the fourth century, had any information about the early organisation of the church better than our own, and questionable whether he was well informed about the Western churches of his own day. He may well have been generalising from the well-known anomaly of the province of Scythia, where the bishop of Tomi ruled all the cities.<sup>4</sup>

Such anomalies were survivals of ancient local custom, and do prove that in some places a bishop had in early times a group of cities under his sway. But it would be rash to infer that this was the general practice of the early church. On the contrary the evidence suggests that it was normal in the East, at any rate, to appoint a bishop to each city, however small the Christian community in it might be. When Gregory Thaumaturgus was consecrated bishop of Neocaesarea, about 240, there were only nineteen Christians in his congregation. In the West there was apparently

some feeling against multiplying bishoprics to this degree. At the Council of Sardica, it was ruled, on the motion of Hosius of Corduba, 'that it be not lawful to appoint a bishop in a village or small city, for which even one priest alone suffices, in order that the episcopal title and authority be not cheapened. But the bishops of the province, as I said before, ought to appoint bishops in those cities where there have been bishops before, and, if a city be found to have so numerous a congregation as to be held worthy of being a bishopric on its own, let it receive one.' This canon was cited by Pope Leo the Great in a letter to the African bishops, but in Africa conditions were rather peculiar, the cities being so very numerous, and most of them little more than villages. The rule was generally accepted by the fifth century, and already by the fourth in the East, that each city had its bishop, and the exceptions were recognised as anomalies sanctioned by ancient custom.<sup>5</sup>

The major exception, the province of Scythia, has been mentioned above. At the Council of Ephesus in 431 it was deposed that 'an ancient custom has prevailed in the province of Europe that each of the bishops has two or three cities under him, so that the bishop of Heraclea has Heraclea and Panium and Orni and Ganus, four cities in number, and the bishop of Byze has Byze and Arcadiopolis, and similarly the bishop of Coela has both Coela and Callipolis, and the bishop of Sausadia both Sausadia and Aphrodisias.' From the signatures of Chalcedon it appears that the bishop of Mitylene ruled not only the three cities of Lesbos (Mitylene, Methymna and Eresus), but also the neighbouring islands of Tenedos and Poroselene. There are some other cases known where a small city was subject to a larger neighbour by ancient custom. Mareotes was part of the bishopric of Alexandria: here the anomaly is readily explicable, for Mareotes, though juridically a city, was in fact a rural area with no town of its own. Augustine mentions a small *municipium* near Hippo which, though it had its own decurions, was subject to his episcopal authority.<sup>6</sup>

In other cases anomalies were caused by the creation of new cities by the imperial government. Usually the church followed suit, and the Council of Chalcedon ruled: 'if a city be newly constituted or reconstituted by imperial authority, the arrangement of the ecclesiastical parishes shall follow the civil and public rules.' There were, however, exceptions. When Constantine separated Antaradus (which was predominantly Christian) from Aradus (which was still pagan), one bishop nevertheless continued to rule both the mainland town and the few Christians on the island. It was no doubt for similar reasons that Termessus and the imperial foundations of Iovia and Eudocias, and Isaura and

Leontopolis, were single bishoprics. Conversely at Gaza, when Constantine made its port, Maiuma, into a separate city, two bishoprics were formed, and survived even when Gaza and Maiuma were reunited permanently by Julian.<sup>7</sup>

Bishoprics always tended to proliferate, sometimes for the reasonable causes enunciated by Hosius, more often owing to ecclesiastical controversies, in which rival parties tried to establish their hold on marginal communities by installing one of their adherents as bishop. The Arian party installed the rebel priest Ischyrras as bishop of Mareotes to spite Athanasius. The ancient custom of the province of Europe was confirmed at Ephesus because of attempts by sympathisers with Nestorius to consecrate bishops in the non-episcopal towns; a Nestorian got himself made bishop of Tenedos, which traditionally was subject to Mitylene. These particular attempts proved abortive, but new sees were from time to time established and by the end of the fifth century very few cities lacked a bishop. Zeno enacted that, with the exception of Scythia, and of the double see of Isaura and Leontopolis, every city should have its own bishop. It is doubtful if this law was rigidly enforced in defiance of ancient custom, but the exceptions were by now negligible.<sup>8</sup>

Bishoprics were not confined to cities in the legal sense of the word. There were in the first place units of government which were not cities—*saltus*, *regiones*, *castra* and independent villages. Here practice varied; sometimes these areas were subject to the ecclesiastical authority of a neighbouring city. Thus Basil, bishop of Caesarea, ruled the *regiones* of central Cappadocia, and the bishops of Nicaea Tottaeum and Doris and the other *regiones* of Bithynia. In Egypt Helearnia was partitioned between the bishops of Phlagonis and Pachnemunis in the fourth century. More usually, however, these areas acquired bishops of their own. In Palestine the four *regiones* of the Jordan valley and the *saltus* of Gerara were independent bishoprics and in Egypt Helearnia had become one by 431. In the province of Arabia, where the village was the normal unit of government, village bishoprics were common.<sup>9</sup>

Bishoprics might also be established in centres of population within a city territory. Bacatha, a village in the territory of Philadelphia of Arabia, had its own bishop, and so had Marathas, a village in the part of the territory of Samosata which lay across the Euphrates. According to Sozomen village bishoprics were common in Cyprus, and as the whole island was divided between its twelve cities, these villages must have been within the city territories. In Cyrenaica we know of five or six villages which

were bishoprics in addition to the six cities which constituted the province. Military stations, which, though they might technically lie in a city territory, were probably separately administered and had a life of their own, tended to become bishoprics. Thus in Egypt the fortresses of Philae, Syene and Elephantine, Babylon and Scenae Mandron had their own bishops, and in the eastern desert of Syria a number of military posts, such as Sura, Barbalissus, Resapha, Euaria and Danaba became bishoprics, some being later promoted to be cities. Ecclesiastical controversies encouraged the foundation of village, as of city, bishoprics. Basil of Caesarea consecrated Gregory of Nazianzus bishop of Sasima, a mere posting station, in order to stake his claim to this territory as against Anthimus of Tyana. In Africa Catholics and Donatists in their rival efforts to establish their hold on the rural population consecrated bishops in the countryside. At the conference of Carthage in 411 the catholic bishop Alypius objected: 'it should be put on the record that all these men have been consecrated bishops in villas and estates, not in cities.' Petilian, a Donatist, replied: 'you, too, have many scattered through all the countryside'.<sup>10</sup>

Village bishoprics were always in a small minority, and on the whole their number did not greatly increase. They were less stable than city bishoprics. A city, if it once acquired a bishop, normally remained a see unless it fell into utter decay: Gregory the Great had to suppress a number of old bishoprics in Italy, but this was because the Lombard invasions had reduced the cities to ruin. A village see might more easily lapse or be suppressed. Gindarus, a large village in the territory of Antioch, had its own bishop at the council of Nicaea, but no later bishop of Gindarus is recorded and the see had certainly been suppressed by the time of the Council of Chalcedon. Hydrax and Palaebisca, two villages in Cyrenaica, had in the reign of Valens got a bishop ordained for themselves, but when Synesius on his death asked them to elect a successor, they refused. The old bishop of Erythrum, the village under which they had formerly been, had been slack and they had preferred to have an active man for themselves; now they liked the present bishop of Erythrum and wanted to return to their old allegiance. On the other hand, village bishoprics which grew in importance were often promoted by the imperial government to be cities: Resapha, which was not only a military post, but possessed the shrine of the famous martyrs Sergius and Bacchus, became Anastasiopolis.<sup>11</sup>

The boundaries of a bishopric and a city did not necessarily coincide, and disputes sometimes arose about rural parishes. This obviously might happen when a village bishopric existed

within a city territory, or when an extra-territorial area was shared between two bishops of neighbouring cities. But since the evangelisation of the countryside usually took place well after that of the towns, it may sometimes have happened that missionaries from one town unwittingly poached on villages belonging to another. The Council of Chalcedon voted that rural parishes should continue under the bishop to whom they were subject by ancient custom; thirty years' prescription was definitive, disputes of more recent origin were to be referred to the provincial council. Pope Gelasius declared 'it is a well-known old rule that a territory does not make a diocese': ancient custom was to prevail despite negligence or lapse of time, agreement between the parties or orders from above. He also ordered that when a new church was built on an estate, the bishop who had hitherto baptised the inhabitants should consecrate it.<sup>12</sup>

Where a city possessed a large territory its bishop sometimes consecrated 'rural bishops' (*χωρεπίσκοποι*) to look after parts of it. The institution is very rarely recorded in the Western provinces, and was not apparently very common in the East. The prestige and the powers of 'rural bishops' were progressively reduced. Fifteen attended the Council of Nicaea and signed its canons in their own right: there were half a dozen at Chalcedon, but they signed only as delegates for their bishops. A council held at Antioch not long after Nicaea ruled that they should 'recognise their limitations and administer the churches subject to them and be content with their care and ministry: and ordain readers and sub-deacons and exorcists and be content with their promotion, and not dare to ordain a deacon without the bishop in the city to which they and their territory are subject . . . rural bishops are to be consecrated by the bishop of the city to which they are subject'.<sup>13</sup>

Later in the century the canons of Laodicea declared that 'bishops ought not to be appointed in villages and country districts, but itinerant inspectors (*περιοδευνταί*); those already appointed are to do nothing without the consent of the bishop in the city'. This canon was not generally observed: 'rural bishops' are still recorded in the sixth century. They were probably never very numerous. Basil of Caesarea is said by Gregory Nazianzen in one of his poems to have had fifty 'rural bishops', and though the figure is certainly poetic licence, Basil, with all the *regiones* of Cappadocia to administer, no doubt had a considerable number. Caesarea was, however, very exceptional in having so large a rural area dependent upon it, and in the ordinary way even great sees probably had one or two rural bishops only, and the great majority had none.<sup>14</sup>

It had, we have seen, been the practice in the third, and even the second, century for the bishops of a district to hold periodic meetings. The Council of Nicaea confirmed and regulated this practice. It enacted that councils of all the bishops of each province should be held twice a year, before Lent and in the autumn, in order to review excommunications enacted by the several bishops and confirm or annul them by common consent. It also ordained that, when a see fell vacant, the new bishop should be consecrated preferably by all the bishops of the province, or, if this were impracticable, by at least three with the written consent of the rest; if unanimity could not be achieved, with that of the majority; and that no bishop be consecrated without the consent of the metropolitan.<sup>15</sup>

By this last term the fathers of Nicaea meant the bishop of the metropolis or capital city of the province, as appears from a canon of the Council of Antioch which further emphasises his authority. 'The bishops in each province ought to recognise that the bishop who presides in the metropolis also undertakes the care of the whole province, because people with business all congregate from everywhere in the metropolis. Whence it is resolved that he should be preferred in honour, and that the other bishops, according to the ancient rule of our fathers which has prevailed, should do nothing without him beyond the affairs which concern their individual sees and the territory subject to them.'<sup>16</sup>

These canons created or confirmed a hierarchy among bishops. The metropolitan had now a certain authority over the other bishops of the province. He presided at the provincial council, and no common action could be taken without his consent: in particular he had thus a veto on the appointment of bishops. The provincial organisation also provided regular machinery for settling disputes between neighbouring bishops, or between bishops and their clergy or people. It also strengthened the control of the bishops over the choice of new colleagues. If the rules were kept, the clergy and people of the city could no longer get the man of their choice consecrated by a bishop acting independently of his colleagues, or even by three, the minimum number which had been required by the Council of Arles. The metropolitan and the majority of the provincial bishops could exercise a complete veto.<sup>17</sup>

The rules laid down at Nicaea were not universally accepted. In the African provinces, except for Proconsularis, where the

primacy of Carthage was recognised, it was customary that the senior bishop (by date of consecration) should preside at provincial councils and exercise the authority normally wielded by the bishop of the metropolis. This custom perhaps prevailed in some other Western provinces in the fourth century, but later gave way to the Nicene rule. In Africa it survived down to the sixth century.<sup>18</sup>

The province of the ecclesiastical organisation was in origin the administrative province of the empire, and the ecclesiastical metropolis was its secular capital. As the Antiochene canon suggests, it was practical convenience which suggested the rule: people of the same province often had occasion to meet in its metropolis. In general, except in the special cases of Egypt and Suburbicarian Italy, which will be discussed below, the church in the fourth and fifth centuries conformed its organisation to the changing pattern of the secular provinces. Pope Innocent, it is true, replied to Alexander of Antioch: 'with regard to your question whether, when provinces are divided by imperial decree so that there are two metropoleis, two bishops ought to be called metropolitans, it is not proper that the church of God should be changed in accord with the mutability of worldly needs, or should be subject to the promotions or divisions which the emperor may think fit to make for his own purposes'. In practice the church had more good sense than the pope, and when provinces were divided or reunited followed suit.<sup>19</sup>

It was not until the sixth century that serious divergencies began to arise. The ecclesiastical hierarchy had by then hardened and Justinian refrained from disturbing vested interests. When he reunited Honorias and Paphlagonia, he allowed the metropolitans of Claudiopolis and Gangra to keep their old jurisdictions, and so too with the metropolitans of Amaseia and Neocaesarea when he merged Helenopontus and Pontus Polemoniacus. When he carved a new province of Theodorias out of Syria I and II, he left its cities under Antioch and Apamea for ecclesiastical purposes.<sup>20</sup>

The boundaries of an ecclesiastical province did not always coincide exactly with those of its civil prototype. Philadelphia was in Arabia, but Bacatha, a village bishopric in its territory, belonged to Palestine I. Samosata was in Euphratensis, but its village Marathas in Osrhoene. An even more curious anomaly is recorded in Gaul, where the bishop of Massilia, which was a city of Viennensis, was in the latter part of the fourth century metropolitan of the neighbouring Narbonensis Secunda. The bishops of the latter province, however, became restive, and appealed to a council of Italian bishops held at Turin about 400. The council felt that the violation of the Nicene canons was too flagrant to be ignored, but

allowed the existing custom to prevail for the lifetime of the then bishop of Massilia.<sup>21</sup>

The origins of these anomalies are unknown. In other cases conflicts rose out of the ambition of bishops who ruled great cities which were not capitals of provinces. Macarius of Jerusalem, which might be regarded as the mother church of Christendom, apparently felt it rather galling to be a mere provincial bishop, subject to the authority of Eusebius, metropolitan of Caesarea, the capital of Palestine. The Council of Nicaea hedged on this question: 'whereas the ancient custom and tradition has prevailed that the bishop of Aelia be honoured, let him have honorary precedence, saving his own authority to the metropolitan'. A century later Juvenal of Jerusalem was to be more aggressive than Macarius, and to win spectacular success. A similar conflict existed in Viennensis between Vienne, the civil metropolis, and Arles, which was a more important city and moreover claimed to be the oldest see in Gaul, from which its first bishop, St. Trophimus, a disciple of St. Peter, had evangelised the rest of the country. This dispute was also put before the Council of Turin, which gave the rather evasive judgment that 'whichever of them can prove that his city is the metropolis should hold the honour of the primacy over the whole province', but recommended a compromise whereby the two should divide the province amicably. This struggle also had spectacular developments later.<sup>22</sup>

Ambitious prelates often based their claims on imperial grants of the honorary title of metropolis. Two such cases were debated at the Council of Chalcedon. The dispute between Nicomedia and Nicaea is particularly instructive. The rivalry between these two great cities was traditional: since the first century A.D. they had competed for precedence and honorific titles. Now the conflict was extended into the ecclesiastical sphere. The bishop of Nicaea claimed metropolitan jurisdiction over Basilinopolis. His arguments are typical of the confused state of canon law. Basilinopolis had once been a *regio* under Nicaea; Julian or someone had made it a city, it is true, but it had preserved close links with Nicaea—its original council was drawn from that of Nicaea. Then the bishop of Nicaea always had consecrated the bishop of Basilinopolis: this was flatly denied by the bishop of Nicomedia—Nicaea might occasionally have poached, but such usurpations did not constitute good precedents. Finally the bishop of Nicaea admitted that he could have no claim if he were not a metropolitan, but alleged that Nicaea had been made a metropolis by Valentinian and Valens. The imperial institution was produced and read: but the bishop of Nicomedia produced another constitution of the same emperors,



addressed to his own city, declaring that the promotion of Nicaea was purely honorary and without prejudice to the rights of Nicomedia.<sup>23</sup>

The other case was more flagrant. Theodosius II had only a year or two before given Berytus the title of metropolis. Eustathius, the bishop of Berytus, on the strength of this document and of a consequential ruling made by a council of bishops at Constantinople, assumed jurisdiction over six cities hitherto subject to the provincial metropolis, Tyre. Called to book at Chalcedon he became very apologetic; he had, he alleged, solicited neither the imperial constitution nor the decision of the bishops at Constantinople. He had acted in perfect good faith, and would willingly submit to the judgment of the great council.<sup>24</sup>

Both these claims were quashed by the Council of Chalcedon, but similar manoeuvres were sometimes crowned with success. The civil metropolis of Pamphylia was Perge, but Side also claimed the same title. At the Council of Ephesus in 431 the bishop of Side signed high on the list as a metropolitan. By 458 he had established his jurisdiction over nearly half the civil province. Resapha, in the fifth century still a see subject to Hierapolis, metropolis of Euphratensis, had by the sixth become metropolitan of an ecclesiastical province of its own. Its promotion was probably due to Anastasius, who raised it to the rank of city, and was no great derogation of the rights of Hierapolis; for the sees which Resapha ruled were all, it would seem, new creations, military stations in the surrounding desert area promoted *ad hoc*.<sup>25</sup>

In its famous sixth canon the Council of Nicaea recognised certain higher jurisdictions. 'Let the ancient customs in Egypt and Libya and Pentapolis prevail, so that the bishop of Alexandria has authority over everything, since this is customary for the bishop in Rome also. And similarly also at Antioch and in the other provinces let their precedence be preserved to the churches.' The objective of this canon was certainly to confirm the traditional rights of Alexandria and the situation here is tolerably clear. No metropolitans of the provinces into which Diocletian and his successors divided Egypt are recorded, and the bishop of Alexandria consecrated, and it would seem virtually appointed, all bishops in the area covered by the old province of Egypt. This was clearly a survival from the pre-Diocletianic régime, when Alexandria had been the metropolis of all Egypt, and reflects the outstanding position which the great city held in the province.<sup>26</sup>

In Pentapolis (Cyrenaica), which had always been a separate province, the bishop of Ptolemais seems to have had the title of metropolitan, but the bishops of Alexandria had already in the third century asserted their authority here also, and by the fourth century they controlled the consecration of the local bishops. Synesius when bishop of Ptolemais conducted the preliminary proceedings at Olbia, a village see of Pentapolis, but he and two local colleagues could not consecrate the candidate whom the people had elected and they had approved: he had to ask Theophilus, the patriarch of Alexandria, for leave to consecrate. The rule was no new one in his day. The consecration of Siderius to Hydrax and Palaebisca in the reign of Valens had, he reported to Theophilus, been uncanonical, though later condoned by Athanasius; he should either have been consecrated at Alexandria, or by three local bishops under instructions from Alexandria.<sup>27</sup>

The authority of the bishop of Alexandria over Egypt and Pentapolis was in fact despotic. During Maximin's persecution four Egyptian bishops protested against Melitius' usurpation of authority because it disregarded 'the honour of our great bishop and father, Peter, on whom, by the hope that we have in our Lord Jesus Christ, we are all dependent'. At Chalcedon the Egyptian contingent declared that they could not sign the dogmatic decisions of the council without the consent of their archbishop—'the ancient custom has prevailed in the Egyptian diocese that all the bishops obey the archbishop of Alexandria'.<sup>28</sup>

The position of Rome, cited as an analogy by the fathers of Nicaea, was similar. They were clearly not alluding to the general primacy claimed by the bishops of Rome over the whole church, but to their special position in Italy, which the oldest Latin version of the canon makes more explicit—'*urbis Romae similis mos est ut in suburbicaria loca sollicitudinem gerat*'. In the Suburbicarian provinces of Italy, as in Egypt, there were no metropolitans, and the pope consecrated all bishops: this state of affairs clearly goes back to the pre-Diocletianic period when there were no Italian provinces. But the popes had extended their authority over Sicily also, which, though an old province, had no metropolitan bishop. Sardinia on the other hand, though in the Suburbicarian diocese, had its own metropolitan, the bishop of Caralis, who consecrated the other bishops of the island.<sup>29</sup>

The primacy of Antioch to which the fathers of Nicaea alluded was something much looser and vaguer. The bishop of Antioch was looked up to as their leader by the bishops of all the provinces between the Taurus and the boundary of Egypt—an area which later became the civil diocese of Oriens, but at this date had no

official existence, since down to the reign of Valens Oriens included Egypt as well. Bishops from all this area assembled to consecrate a new bishop of Antioch. But all the provinces had their own metropolitans, and it is doubtful whether in the early fourth century the bishops of Antioch had any clearly defined jurisdiction over them. Pope Innocent I in 415 interpreted the Nicene canon as meaning that the bishop of Antioch had the sole right of consecrating bishops in Oriens as did the popes of Rome and Alexandria in the Suburbicarian provinces and in Egypt. But Antioch never claimed such a prerogative. Its bishops, by this time, claimed that metropolitans in the diocese of Oriens must be consecrated by them, but even this right was probably a gradual growth. The bishops of Cyprus, as recorded at the beginning of this chapter, in 431 successfully established their claim that their metropolitan had by ancient custom never been consecrated by the patriarch of Antioch. The Council of Antioch held soon after Nicaea does not seem to recognise any authority higher than that of the metropolitan of a province. When the provincial council could not reach a unanimous verdict on charges brought against a bishop, the metropolitan was to call in bishops from a neighbouring province to resolve the problem; there is no appeal to Antioch, as there was in the fifth century.<sup>30</sup>

It is rather curious, seeing that Caecilian of Carthage attended the Council of Nicaea, that the bishops made no allusion in the sixth canon to the position of his see: they were perhaps unwilling to commit themselves on a topic which the Donatist schism had made controversial. As far back as the third century, as Cyprian's letters show, the bishop of Carthage had enjoyed the same kind of primacy in the African provinces as Antioch enjoyed in Oriens. He summoned councils not only from Africa proper, but from Numidia and even Mauretania, and all the African bishops expected to participate in the consecration of a bishop of Carthage. It was Caecilian's furtive consecration by one neighbouring bishop, before the Numidians had arrived, which fired off the Donatist schism.<sup>31</sup>

The Council of Nicaea did something to clear up the chaos which had hitherto prevailed in the higher levels of church government. It gave its sanction to the provincial organisation under the leadership of the metropolitan bishop, and accorded its recognition to certain larger units of government, Egypt and the Suburbicarian provinces under Alexandria and Rome. It also more vaguely allowed primacy to Antioch and other unnamed sees. But it left many problems unsolved. The rules for the consecration of an ordinary bishop were clear, but what of metropolitans?

Could the bishops of a province consecrate their own metropolitan, as was done in many provinces, or was the sanction of some higher authority required? Disputes between bishops or between a bishop and his clergy or people were to be settled by the provincial council with the consent of the metropolitan. But suppose the provincial council could not agree, or the metropolitan were himself a party to the dispute? There was no ancient custom which regulated such problems, and the way was left open for ambitious holders of great sees to extend their authority.

The next great council, held at Constantinople in 381, did little to resolve these problems. It merely ruled that in the five civil dioceses of the Eastern empire, Thrace, Asiana, Pontica, Oriens and Egypt, the bishops should manage their own affairs and not interfere with those of another diocese. The autocratic powers of Alexandria in Egypt were recognised, and in vaguer terms the precedence of Antioch in Oriens, but in Thrace, Asiana and Pontica no chief bishop was mentioned. The other important pronouncement of the council was that the bishop of Constantinople should have a primacy of honour second to the bishop of Rome, because Constantinople was the New Rome. But no attempt was made to define this honorary primacy, or to accord the bishop any specific rights or authority.<sup>32</sup>

The church had a great belief in the value of councils, but here again there were no accepted rules to determine who might summon them and what jurisdiction they possessed. The Council of Nicaea had, as we have seen, put provincial councils on a regular footing and defined their competence. In some areas larger councils were sanctioned by tradition. The bishops of Rome and Alexandria from time to time summoned councils from the Suburbicarian provinces and from Egypt, and the bishop of Antioch from all the diocese of Oriens. Councils of all the African provinces were regularly held under the presidency of the bishop of Carthage. But elsewhere there were no recognised authorities to convene larger councils.

The imperial government often took the initiative. Only the emperor could summon a general council of the whole church: Constantine had established the precedent at Nicaea, and there was in any case no central ecclesiastical authority which could act. But the emperor also often summoned smaller councils to deal with some problem on which a provincial council was incompetent to decide: Constantine again set the precedent by calling the councils of Rome and Arles to deal with the Donatist controversy and those of Caesarea and Tyre to give judgment on Athanasius. Such *ad hoc* councils were also often convoked by leading bishops,

but whether they were summoned by imperial or episcopal initiative, their competence was disputable, and their verdict was frequently challenged by defeated parties who, often truly, alleged that they were packed.<sup>33</sup>

The woeful lack of rules is well illustrated by the tragicomedy which led to John Chrysostom's fall. Theophilus of Alexandria was summoned by the emperor to Constantinople to answer before John various charges brought against him. He arrived with a bevy of Egyptian bishops, received various charges against John, and induced the emperor to issue a summons against him. When John was cited the bishops sitting with him objected: 'You ought to come over to us, so that we can hear your case first. For we have charges against you under seventy heads, involving manifest illegalities, and we are a more numerous synod . . . you are thirty-six from one province, and we forty from different provinces, including seven metropolitans: and it is proper that the lesser should be judged by the more numerous and distinguished according to the canons.'<sup>34</sup>

Of the great sees which profited by this state of anarchy the greatest was Rome. It would be impertinent to attempt to unravel in a few paragraphs the tangled problem of the Roman supremacy. It will suffice to say that from an early date the bishops of Rome claimed a pre-eminent position in the church, and that they consistently claimed it as successors of Peter, the prince of the Apostles. Their primacy in honour was generally admitted not only in the West but in the East, where, however, it was felt to be due to them as bishops of the capital of the empire. But the rest of the empire was less willing to admit the right which the Roman bishops claimed to legislate on doctrine and discipline, and to exercise an appellate jurisdiction throughout the empire. The defeated parties in a dispute naturally appealed to the bishop of Rome, as did Athanasius, if they thought that he could be persuaded to take up their cause, but the verdict of Rome was by no means always accepted.<sup>35</sup>

At the Council of Sardica Hosius endeavoured to get the appellate jurisdiction of Rome universally recognised. If any bishop condemned by his colleagues refused to accept their decision, 'if it please you let us honour the memory of Peter the Apostle, and let the judges write to Julius the bishop of Rome so that the trial can be reviewed by the bishops who are neighbours of the province, if need be, and he himself may appoint those who shall review it'. Again he suggested that if any condemned bishop appealed to Rome, the pope might either order a retrial by neighbouring bishops, or send priests of his own to decide the issue. These

proposals were adopted by the council, but in the East they were not recognised and even in the West they received scant attention. In 376 a Roman council under pope Damasus enacted similar rules. In more distant provinces ordinary bishops were to be judged by their metropolitan, but if a metropolitan were himself accused he was to come to Rome for trial, or be tried by judges appointed by the bishop of Rome; similarly there was to be an appeal against a metropolitan's decision either to Rome or to at least fifteen neighbouring bishops. But this same council complained to the emperor about the persistent contumacy of bishops, and Gratian thought it necessary to lend the aid of the secular arm, instructing proconsuls and vicars and the praetorian prefects of Italy and Gaul to arrest bishops who refused to recognise the papal supremacy and send them under escort to Rome or the appropriate council.<sup>36</sup>

For a time the Roman see was rivalled by that of Milan. Milan was at this period the administrative capital of the West, but its ecclesiastical pre-eminence was due less to this fact than to the dominating, not to say domineering, personality of its bishop, Ambrose. His most extraordinary assertion of his authority was to consecrate a bishop of Sirmium in 376. No canon or ancient custom justified this interference of the bishop of Milan in the affairs of a church which lay not only in another province but another diocese. But having thus imposed his ascendancy on Sirmium, which was not only the chief city of Pannonia but claimed to be the 'head of all Illyricum', Ambrose went on to depose two bishops of Dacia. These incidents well illustrate the way in which great prelates exploited the anarchy of the church.<sup>37</sup>

After Ambrose's death the empire of Milan soon crumbled, and even during his lifetime his pretensions in Illyricum were taken over by Rome. Damasus had already established an alliance with Acholius, bishop of Thessalonica, but it was probably his successor Siricius who first formally made the occupant of that great see, the chief city of the Macedonian diocese, his vicar, instructing him that 'none be permitted to presume to consecrate bishops in Illyricum without your consent', and specifying that he should if possible consecrate the bishops himself, or otherwise send bishops of his choice with written instructions to do so. As no canon or ancient custom authorised the pope himself to consecrate bishops in Illyricum, it is difficult to see how Siricius could confer that prerogative on the bishop of Thessalonica. But, despite some resistance by the metropolitans of the provinces, the combined authority of the great city of Thessalonica and of the apostolic see prevailed, and the vicariate of Illyricum, renewed by

successive popes in favour of successive bishops of Thessalonica, became an established institution.<sup>38</sup>

In area it corresponded with two civil dioceses of Macedonia and Dacia, which had been transferred by Gratian to Theodosius I, and from 395 became the Illyrian prefecture of the Eastern empire. It was doubtless in order to reinforce their influence in this area, which might easily have drifted into the sphere of Constantinople, that the popes instituted the vicariate. In 421, indeed, Theodosius II, no doubt instigated by Atticus, the bishop of Constantinople, issued a constitution to the praetorian prefect of Illyricum, ordering that in accordance with 'antiquity and the ancient canons of the church' all ecclesiastical disputes throughout all the provinces of Illyricum should be referred to the bishop 'of the city of Constantinople, which rejoices in the prerogative of the old Rome'. However, Pope Boniface protested to Honorius, and Honorius wrote to his nephew, and Theodosius II withdrew the claims of his capital.<sup>39</sup>

The device of the papal vicariate so successfully applied to Illyricum was later extended with less happy results to Gaul. The experiment seems to have been inspired not so much by the desire of the popes to reinforce their authority as by the growing ambitions of the bishops of Arles, who now aspired not only to be metropolitans of Viennensis, but to extend their rule over the two neighbouring provinces of Narbonensis I and II. In 417 Pope Zosimus declared that it was the ancient custom, justified by the pre-eminence of St. Trophimus, that the bishop of Arles should consecrate all bishops in all three provinces, and also gave the present occupant of the see, Patroclus, exclusive authority to issue letters of introduction (*formatae*) to clerics from all parts of Gaul who wished to visit Rome. But Hilary, metropolitan of Narbonensis I, and Proculus, bishop of Marseilles, who was still exercising his anomalous metropolitan authority in Narbonensis II, obstinately refused to recognise the ancient prerogative of Arles alleged by Patroclus, and Popes Boniface and Celestine, evidently perceiving that it did not enhance papal authority to back very disputable claims, tacitly ignored Zosimus' ruling and reasserted the rights of the metropolitans of each province.<sup>40</sup>

Hilary, a later bishop of Arles, tried to revive the primacy of his see, but his interference in the neighbouring provinces so enraged Pope Leo that he deprived him even of his metropolitan rights in Viennensis. The next bishop of Arles, Ravennius, however, got up a petition from the bishops who had formerly owed allegiance to his see. In this petition the claims of St. Trophimus were again elaborated. The secular glories of Arles were

also stressed—it had been honoured by Constantine with his name, it had been called by later emperors ‘the mother of all the Gauls’, it was the seat of the praetorian prefecture of the Gauls, and consuls had inaugurated their office there. Finally the papal records would show that its bishops had the right of consecrating all bishops in the three provinces of Viennensis and Narbonensis I and II and had been accorded authority over all Gaul. The petition was only partially successful. Leo not only ignored the claims of Arles to wider jurisdiction, but took into account the rival claims of Vienne in Viennensis itself. The province was divided, four neighbouring sees being allocated to Vienne and the rest to Arles. Later, in 508, Symmachus accorded to Caesarius of Arles a vicariate extending not only over Gaul but Spain, authorising him to summon councils to settle any problems which might arise and to refer important issues to Rome. He was also to issue letters of recommendation to any of the Gallic or Spanish clergy who wished to visit Rome. This grant was apparently personal and temporary. Before this time Simplicius had made Zeno, bishop of Hispalis, his vicar in Spain, and in 517 Pope Hormisdas gave the same honour to John, bishop of Illici, saving the rights of the metropolitans; he later gave a similar vicariate over Baetica and Lusitania to Sallustius of Hispalis.<sup>41</sup>

Meanwhile in the East the bishops of Constantinople were extending their authority. The Council of Constantinople had, as we have seen, in 381 accorded to the New Rome a primacy of honour second only to the old Rome. In practice Constantinople was favourably placed because in none of the three adjacent dioceses of Thrace, Pontica and Asiana was there an outstanding see which already exercised customary authority over it: Ephesus came nearest to this position, but its authority seems to have been confined to the provinces of Asia, Lydia and Caria and its rights had never been formally recognised. In the second place the bishop of Constantinople could readily obtain the backing of the emperor, who naturally favoured the pretensions of his capital, and thus could secure imperial constitutions enforcing his alleged rights. And thirdly bishops, and especially metropolitans, from all parts of the Eastern empire frequently visited Constantinople, and its bishop was thus able at all times to get together a council to lend its authority to his decisions. The so-called ‘visiting council’ (*ἐνδημοῦσα σύνοδος*) of Constantinople became a regular institution. The imperial commissioners at Chalcedon raised some doubts as to its status, asking ‘if the congress of visitors in the imperial city may be called a council’. Anatolius of Constantinople explained: ‘A custom has long prevailed that holy bishops visiting the re-



nowned City should when occasion demands meet about any ecclesiastical business that comes up and decide the several issues and give answers to petitioners. So no innovation has been made on my part and the visiting holy bishops who convened according to custom did not produce a new rule either.<sup>42</sup>

The story of John Chrysostom's intervention in Asia well illustrates the way in which the authority of the see of Constantinople grew. Eusebius, bishop of Valentinianopolis in Asia, presented a series of charges against his metropolitan, Antoninus of Ephesus, to John before a 'visiting council' comprising twenty-two bishops. John was, according to his biographer, Palladius, reluctant to take up the case, but eventually charged Antoninus, who was present, before the council, which decided that there was a *prima facie* case. John accordingly on its advice sent three of its members to hold a local investigation. But Antoninus bought his accuser off and the case collapsed. Then Antoninus died and the clergy of Ephesus and the bishops of Asia asked John to clear up the scandals of the see. John went down to Ephesus and held a council of seventy bishops from Asia, Lydia and Caria, consecrated a new metropolitan of Ephesus, and deposed several bishops and consecrated others in their place.<sup>43</sup>

John's successors continued to extend their authority. We hear of Atticus visiting Nicaea to consecrate a bishop. He also appointed Silvanus metropolitan of Philippopolis in Thrace and, when Silvanus could not stand the Thracian climate and abandoned his see, later made him bishop of Troas. In this case the people of Troas came spontaneously to Constantinople to ask for a bishop. At Cyzicus the people were more independent. Atticus had to obtain an imperial constitution to enforce his claims, and when his successor Sisinnius on the strength of this document consecrated Proclus bishop of Cyzicus, the Cyzicenes, declaring that the grant had been personal to Atticus, got a local candidate consecrated and refused to accept Proclus. Proclus later became bishop of Constantinople, and as such was asked for a bishop by the people of Caesarea in Cappadocia, and consecrated Thalassius to that great see.<sup>44</sup>

There were therefore ample precedents when the Council of Chalcedon enacted that the bishop of Constantinople should consecrate all metropolitans in the three dioceses of Thrace, Pontica and Asiana. The canon professed to be a mere clarification of the canon of 381, which had given the New Rome primacy next after old Rome: the council 'judged it reasonable that the city honoured with the presence of the emperor and the senate and enjoying equal precedence with the older imperial Rome

should also like it be magnified in ecclesiastical affairs, being second after it'. The delegates of the bishop of old Rome lodged a strong protest, and Pope Leo himself refused to recognise the new canon, but in the East it was quietly accepted. The papal delegates suspected that the bishops affected had given their consent under pressure, but when the question was put by the imperial commissioners the bishops all replied that they had signed willingly, and several metropolitans—those of Myra, Amaseia, Gangra, Synnada and Aphrodisias—declared that they themselves had been consecrated by the bishop of Constantinople, some adding that as many as three of their predecessors had also owed their consecration to him.<sup>45</sup>

There was only one dissentient voice, that of Eusebius, the metropolitan of Ancyra, which as the seat of the vicar of Pontica had achieved a certain primacy over the neighbouring provinces. 'I have my story to tell without prejudice to the general view. I have shown in practice that I am far from desiring to consecrate. Peter the holy bishop who has just testified is bishop of Gangra, and I consecrated his predecessor. All the city came to me at Ancyra and brought the resolutions. I answered "I am not one of those who wish to consecrate". They reminded me of those who had previously been consecrated by the bishop of Ancyra, one, two, three of them. I said, "Whatever you say to me I am not going to involve myself in litigation". Then they went and asked the blessed Proclus.' Eusebius, after airing his grievance, allowed the customary rights of his see to lapse.<sup>46</sup>

Ephesus might have caused more trouble, but fortunately there was no bishop of Ephesus at the moment, two rival claimants having both been deposed at an earlier session. There had been argument then as to who should consecrate a new bishop. The imperial commissioners had asked: 'Let the holy council declare where the canons require that the bishop of the holy church of Ephesus be consecrated.' The bishops replied: 'In the province,' and the bishop of Magnesia asserted: 'There have been twenty-six bishops from the holy Timothy to the present day. All were consecrated at Ephesus.' A priest of Constantinople objected: 'The blessed John, bishop of Constantinople, went to Asia and deposed fifteen bishops and consecrated others in their place; and Memnon was confirmed here.' The archdeacon of Constantinople added: 'Castinus was consecrated here too. Heracleides and others were consecrated with the approval of the archbishop here. The blessed Proclus likewise consecrated Basil.' The case was left open at the earlier session and now went by default.<sup>47</sup>

The council also accepted a compromise agreed between

Maximus of Antioch and Juvenal of Jerusalem. The latter had been exploiting the antiquity of his see to challenge the vested rights of Antioch; he had even stated at Ephesus in 431 that 'according to apostolic precedent and tradition' it was the custom that the throne of Antioch itself should be guided and judged by 'the apostolic throne of the church of Jerusalem', and he had actually claimed jurisdiction over the three Palestines, the two Phoenicias and Arabia. He now agreed to split the difference and keep the three Palestines only. With the council's approval the imperial commissioners ratified this settlement, and declared null the various imperial constitutions which the rival parties had obtained to fortify their claims.<sup>48</sup>

The constitution of the church in the Eastern half of the empire underwent one further major change. Justinian, wishing to honour his birthplace, not only made it a city under the style of Justiniana Prima, but gave its bishop the rank of archbishop with authority over all the Dacian diocese, which was withdrawn from the jurisdiction of Thessalonica: later in deference to the protests of Pope Vigilius, he agreed that the archbishop of Justiniana Prima should, like the bishop of Thessalonica, hold his authority as papal vicar. The Eastern parts of the empire were thus divided into six units. The four patriarchs, as they had come to be called, ruled areas of very different size. Constantinople had subject to it three dioceses, Thrace, Pontica and Asiana; Alexandria one, Egypt; Antioch the greater part of Oriens; Jerusalem three provinces carved out of Oriens. Two papal vicars of Thessalonica and Justiniana Prima each ruled a diocese, Macedonia and Dacia respectively. The province of Cyprus alone remained subject to no higher authority. The powers of the various supreme bishops differed. The patriarchs of Constantinople, Antioch and Jerusalem consecrated only the metropolitans of provinces and left to them the consecration of ordinary bishops. The patriarch of Alexandria, by ancient custom, consecrated all bishops under his sway. The papal vicar of Thessalonica, since the days of Pope Leo, himself consecrated only metropolitans, but his consent was necessary for ordinary episcopal consecrations. The vicar of Dacia no doubt followed the same practice.<sup>49</sup>

In the Western parts church government did not achieve even this degree of order. The pope continued to rule the Suburbicarian provinces directly, consecrating all bishops in person or by proxy. In Africa Carthage retained its ill-defined primacy. Here there was no question of the bishop of Carthage consecrating metropolitans, since the senior bishop in each province still exercised metropolitan rights. But though ill-defined the primacy of

Carthage was real, and the African church strongly resented any outside interference. It was generally willing to defer to the judgment of the popes on questions of doctrine and discipline, but preferred to manage its own affairs by frequent councils, held under the presidency of Carthage. When pope Zosimus endeavoured to exercise jurisdiction in the case of Apiarius, the African bishops protested sharply and forbade appeals overseas.<sup>50</sup>

Elsewhere no unit larger than the province developed, and no authority higher than the metropolitan. This was no doubt due to the dominating position of the popes, whose influence steadily grew. There was an increasing tendency to refer all disputes to Rome, and to look to Rome for guidance. The popes on their side preferred in general to deal with metropolitans direct: the vicariate of Thessalonica was designed to meet a special danger. It was safer to allow no see to acquire the degree of authority which Carthage enjoyed and which might tempt it to undue independence.

The revenue from which the churches supported their clergy, maintained their buildings, and distributed charity to the poor, was originally derived entirely from voluntary offerings from the faithful. These offerings (in Latin called *oblaciones*, in Greek *καρποφορίαι*), though later overshadowed by income from endowments, always continued to be an important part of the revenues of the churches, and are frequently mentioned in the sixth century and later. They might be either in kind or in cash. They do not seem to have taken the form of regular first fruits or tithes.<sup>51</sup>

Tithes and first fruits are occasionally mentioned in vague terms, which may imply that they were synonymous with offerings: usually the language seems to be figurative. They are specifically mentioned only twice. John Cassian tells of a pious Egyptian farmer who with his neighbours brought tithes and first fruits of his crops to the abbot of a monastery for distribution to the poor. In Noricum Severinus persuaded people to give tithes for the relief of the poor, ruined by barbarian inroads. It is noteworthy that in both cases the offering was not made to the church of the parish or the city, and appears to have been an additional and exceptional act of piety. In 567 the second Council of Tours urged the faithful in Gaul, as part of a special act of repentance, to give a tenth of all their property to the church. It was not until 585 that the second Council of Matisco ordained that the 'ancient custom', based on scriptural precedent, of paying a regular tithe to the clergy,

should be revived, after having, as the bishops admitted, fallen almost entirely into desuetude. Tithe, in fact seems to have been first initiated in Merovingian Gaul in the latter part of the sixth century: it is strange that the clear biblical precedent for it was never exploited earlier.<sup>52</sup>

The offerings of the faithful before that date appear to have been left unregulated, and they were, it would seem, in general really voluntary. An imperial law, probably of Anastasius, gives the first hint that the clergy applied pressure to the faithful. It forbids bishops, rural bishops and itinerant priests to force the laity to pay the 'offerings of the so-called local first fruits or oblations', and 'exact them like a tax', by excommunicating or anathematising those who would not pay or denying them the eucharist or baptism. Whole villages or estates, the emperor had been informed, had been so treated. This must stop; gifts must be voluntary, for the giver might be poor or have had a bad harvest.<sup>53</sup>

Already in the third century the churches had begun, by what legal title is disputed, to acquire property. At first they owned only their places of worship and burial grounds: these are alone mentioned in the letter whereby Gallienus restored the confiscated property of the churches. But Maximin after the Great Persecution restored not only the churches but 'any houses or lands which were heretofore in the ownership of the Christians', and Constantine alludes to gardens and houses in his first edict of restitution: Licinius' edict of Nicomedia clearly distinguishes churches from other property of the Christian community.<sup>54</sup>

From Constantine's time the property of the churches grew rapidly and steadily. He himself set the example by munificent donations of land and houses to the churches of Rome and other Italian cities, and in 321 he expressly legalised bequests to the church. His example was followed by many of his subjects, and, as Christianity spread to the wealthier classes, gifts and bequests became more substantial. The churches received vast properties from pious members of the Roman nobility like Melania, who gave to the see of Tagaste an estate larger than the territory of that city. It also profited from countless small bequests from humble folk, such as are recorded in the Ravenna papyri. It seems to have become almost common form for every will to contain a bequest to the church; even Flavius Pousi, a humble civil servant of the province of Arcadia, who owned nothing except his house, furniture and clothes, left half his house to the church.<sup>55</sup>

The private property of the clergy often swelled ecclesiastical endowments. By a law of 434 the estate of any cleric who died intestate without heirs passed to his church. Apart from this

childless bishops often made their church their heir. Gregory Nazianzen left his whole estate, apart from minor legacies, to the church of Nazianzus, and Caesarius bequeathed half his estate to his see of Arles. An African council in 409 regarded this as a moral obligation, anathematising any bishop who left his property to outsiders other than his kin, rather than to his church.<sup>56</sup>

It was often hard to distinguish a bishop's private property from that of his see. Not long after 325 the Council of Antioch ordained that an exact schedule of both must be kept, so that on the bishop's death neither the church should be defrauded nor his heirs put to the trouble of suing for what was their own. It was also often a moot point whether gifts or bequests to a bishop or priest were meant for him personally or for his church. The Council of Carthage in 421 allowed bishops and clergy to dispose as they liked of personal gifts and inheritances, but enacted that they must confer upon their church any lands which they bought. Justinian ruled that a bishop might leave to his heirs or dispose by will only of the property of which he was possessed before his consecration, together with what he might have since inherited from near relatives: the rest was to go to his church. This rather severe rule was enforced in the West by Pope Gregory the Great.<sup>57</sup>

There was always a danger of bishops endowing their poor relations with church property. The Canons of the Apostles, which represent church practice in the East at the end of the fourth century, allow bishops to maintain poor relatives from church funds, but not to alienate church property to them; despite which Ibas of Edessa, if the complaints brought against him by his clergy are true, bestowed not only church revenues but inheritances on his brothers and nephews. There were less reputable reasons for the alienation of church property than the family affection of bishops. In the hotly contested elections to the apostolic see rival candidates bid for the support of influential backers by promises of church lands; under Odoacer and Theoderic this abuse reached scandalous proportions, and these two kings, the Roman senate, and several Roman councils passed stringent rules against it. But the main danger to the estates of the church was that as they grew they attracted the covetous eyes of great men, whose displeasure bishops were afraid to incur or whose favour they wished to gain.<sup>58</sup>

The first imperial law against the alienation of church property was issued by Leo in 470. It applied only to the church of Constantinople, which was particularly subject to pressure from the great, and it absolutely banned all sales, gifts or exchanges. It permitted the church to cede the usufruct of a property to an

applicant for a fixed period or for his life, but only on condition that on returning the estate he also gave to the church another of equal value. Anastasius extended the ban to the whole patriarchate of Constantinople, but mitigated it by allowing alienation for reasonable causes under proper control. Sales or mortgages were allowed in order to pay debts, to purchase a more valuable estate, or for urgent repairs, exchanges when a better property was thereby acquired, perpetual emphyteutic leases provided that the rent was not reduced, or when the property was in its present condition valueless. All such transactions had to be registered in the presence of all the clergy of the institution concerned before the *magister census* in Constantinople or the *defensor* in other cities.<sup>59</sup>

Justinian revoked Anastasius' law, and tightened up Leo's, applying it to the whole empire. The ban on sales and gifts had been evaded by the grant of long or even perpetual leases. Justinian absolutely forbade one form of lease, the *ius colonarium*, whereby the tenant virtually bought the estate, holding it in perpetuity subject to a small rent charge. He limited the term of ordinary leases to twenty years, and of emphyteutic leases to three lives (those of the original tenant and his sons and grandsons) and he insisted that in the latter the rent must not be reduced by more than one-sixth. Exchanges were permitted only with the emperor himself, who guaranteed to give in return lands of equal or greater value.<sup>60</sup>

These rules proved excessively rigid. Justinian had soon to allow sales of land to pay arrears of taxes and grants of land to liquidate private debts. The church of Jerusalem obtained a special law to enable it to carry through a very profitable transaction. It had acquired for 380 lb. gold a property bringing in 30 lb. a year. Part of the purchase money had been raised by subscription, but part borrowed, and the debt could readily be paid by selling houses belonging to the church at prices representing fifty times their annual value. Special legislation was also needed for the churches of Moesia and Scythia. As one of their bishops explained, they often received legacies of real property which the testator wished to be sold to raise money for the redemption of prisoners or the relief of the destitute, and such property moreover often consisted of half-ruined houses far from the cities, and vineyards liable to devastation, which could not be profitably let. Later, in 544, Justinian allowed all the churches except that of Constantinople to grant perpetual emphyteutic leases, and even the church of Constantinople was permitted to give perpetual leases of ruinous house property, the tenant paying either a third of the old rents, or half the old rents of such houses as he rebuilt.<sup>61</sup>

There are a number of clauses in Justinian's legislation which betray where the real danger lay. He forbade those holding offices at the capital, and later all those in positions of power, to acquire church lands. He prohibited the issue of personal rescripts authorising those holding offices or at court to do so. The emperor also found that the clause permitting the crown to make exchanges with the churches was exploited by petitioners, who asked the crown to obtain lands in this way and regrant them to themselves.<sup>62</sup>

The contemporary legislation by ecclesiastical councils in the West was somewhat less rigid. According to the rule prevailing in Africa a parish priest might not sell property without the leave of his bishop, and a bishop had to obtain the permission of his priests and of the provincial council. A bishop was allowed by the Council of Agathe in 506 to alienate church property in cases of necessity with the approval of three colleagues. A later council in 517 insisted on the metropolitan's consent, and the Council of Massilia in 533 held that it was contrary to the canons for a bishop to sell property without the leave of the provincial council. On the other hand the Council of Agathe allowed a bishop to free church slaves and grant them land, vineyards or house property up to the value of 20 solidi. He might also grant small and less profitable properties in usufruct, or even sell 'small parcels of land or minute vineyards of little use to the church, situated far from it'.<sup>63</sup>

The rules were evidently rather laxly observed, for many councils enacted that if a bishop did not leave his private estate to his church, he by his will, or his heirs and assigns, must compensate the church for such lands or slaves as he had alienated during his term of office. But in Merovingian Gaul, as in the East, the main threat to the property of the church came from the great. A council held in 535 denounced those who petitioned kings for church lands, and another held at Paris about twenty years later complained bitterly of petitioners 'who have usurped the property of the church by unscrupulous underhand dealing under cover of the royal munificence'.<sup>64</sup>

Church lands enjoyed certain fiscal privileges. With a few very special exceptions, such as Thessalonica, the churches paid the regular land tax, the *canonica inlatio*, but they were exempt from all additional payments, by way of *extraordinaria* or *sordida munera*. This immunity was in 423 curtailed when they were made liable for the repair of roads and bridges.<sup>65</sup>

The churches also from the reign of Constantine received subsidies from the state. According to Theodoret Constantine issued general instructions to all provincial governors to allocate



annual grants in each city for the support of virgins, widows and the clergy. These grants were cancelled by Julian, but revived by Jovian, who however reduced them to one-third of their original amount. The reduced grants were, according to Theodoret, still paid in his own day, and his statement is confirmed by a law of 451, which orders the continuance of 'the salaries which have hitherto been paid from the treasury to the holy churches in various kinds'. These subsidies are spoken of as *annonae*, and were apparently in the form of foodstuffs, especially corn. They are not often mentioned either in the legal or the ecclesiastical sources. Athanasius speaks of the corn which 'had been granted by the father of the emperors for the assistance of widows separately for Libya and for some places in Egypt', and the government grant of corn for the poor in Libya is said to have been sold by Dioscorus and the money embezzled. This suggests that Constantine's grants were perhaps not so systematic as Theodoret represents them, but they must have been very general. They still continued at the end of the sixth century: Gregory the Great complained to the praetorian prefect of Italy on the suspension of the government subsidy (*annonae et consuetudines*) made to the centre for poor relief (*diaconia*) at Naples.<sup>66</sup>

On the management and distribution of ecclesiastical revenues we know very little until the late fifth and sixth centuries, and by that time the financial organisation of the churches had become exceedingly complex. In early times the position was simple. In most cities there was one church only, served by a single group of clergy under the immediate control of the bishop, and he was responsible for allocating the available funds to the upkeep of the fabric and the lighting of the building, the distribution of charity to the poor, and the maintenance of himself and his staff. As the congregation grew more churches were built in the larger cities; at Alexandria there were already quite a number—Epiphanius mentions eight—when Arius began to preach his doctrine. At Alexandria a priest was permanently allocated to each church—Arius had that of Baucalis—and at Rome similarly in 341 Athanasius identifies a church as that 'where the priest Vito conducted the services', while Pope Innocent speaks of the priests in charge of the several churches.<sup>67</sup>

This practice did not necessarily, however, involve any financial complications. The additional churches could be, and probably in early times usually were, regarded as annexes of the principal church, and they and their clergy maintained out of the common fund. Sometimes, however, benefactors who built new churches endowed them with lands for their maintenance. It was indeed

highly desirable that they should do so, as otherwise their munificence might burden the church with maintenance charges which it could not afford, and eventually it was made obligatory. By the end of the fifth century the popes would not license the bishops under their jurisdiction to consecrate a new church unless it had an endowment sufficient to cover its repairs and lighting and the maintenance of its clergy, and in 541 the Council of Orleans laid down the same rule for Gaul, and in 572 the Council of Bracara enacted it for Spain. In the East Justinian enforced the rule by an imperial novel.<sup>68</sup>

A distinction thus grew up between what were called in Latin *tituli*, churches which were financed from the bishop's central fund and served by his clergy, and *parochiae* or *dioeceses*, churches supported by their own endowments. The distinction is clearly brought out by a decision of Pope Pelagius I. John, the bishop of Nola, had asked his leave to sell the plate of the church of Suessula, 'which appears to be a *parochia* of the church of Nola', in order to meet its expenses. The pope deprecated the step, and ruled that Suessula should be made a *titulus* of Nola: priests on the establishment of the Nolan church should be seconded to serve it, and its lands should be cultivated by the men of the Nolan church. In the East Justinian draws a similar distinction between the position when founders have endowed their churches and when 'the church of the city itself supplies salaries both to itself and to other churches'.<sup>69</sup>

Separately endowed churches were sometimes amalgamated with the central group. Constantine according to the *Liber Pontificalis* settled enormous endowments on each of the basilicas which he built at Rome, but they were later classified as *tituli*, so that their revenues went into the central funds of the papacy. The Roman *tituli* had, however, some separate endowments. In the rules laid down in 502 against the alienation of church property 'all who are or shall be priests of the churches throughout the *tituli* of the city of Rome' were forbidden to alienate 'whatever belongs to the *tituli* or the aforesaid church'. The endowments of the *tituli* were partly estates of the Roman church earmarked for their upkeep, like the Massa Aqua Salvias which Pope Gregory transferred from the *patrimonium Appiae* to the basilica of S. Paul for the maintenance of its lights, partly lands given or bequeathed by private benefactors to a *titulus*, like the Massa Paganicensis given by Flavia Xanthippa to the basilica of S. Maria Dei Genetrix.<sup>70</sup>

At Constantinople Justinian draws a threefold distinction. There was the Great Church, which comprised four churches—St. Sophia, St. Helena, St. Theodore (built by Sporacius, consul in 452), and the Blessed Virgin (built by the Empress Verina)—

but was administered as a single unit and served by one body of clergy. Secondly there were churches 'whose maintenance the Great Church undertakes', which nevertheless had their separate establishments of clergy, as laid down by their founders; and thirdly there were churches 'which do not have their supply and maintenance from the Great Church'. The second category appear to be like the Roman *tituli*, originally independent churches which had been absorbed.<sup>71</sup>

In general the town churches tended to be *tituli*, either because they had initially been built by the bishop from central funds or by subscription, or by subsequent amalgamation. The Council of Orleans in 538 indeed laid down the general rule that gifts bestowed on basilicas in the cities should be at the immediate disposition of the bishop, who should have discretion how much of them he should allocate to the repair or maintenance of the basilica in question, whereas local custom should be observed about the revenues of parishes or basilicas in the villages. Rural churches were on the other hand normally *parochiae*. In villages of peasant proprietors they were generally founded by local initiative; at the village of Libanus the church was built by the joint labour of the inhabitants. On great estates it was normally the owners who built and endowed the churches. They usually no doubt did so from motives of piety. John Chrysostom, who found the great landowners of Constantinople backward in doing their duty, urged them to build churches and endow priests on their estates, if not for Christian zeal, for prudential reasons; the priest would preach obedience to the peasants and prevent unrest. In sixth-century Spain some landowners built churches as a commercial speculation, going fifty-fifty with the priest on the offerings.<sup>72</sup>

There was a similar distinction between the charitable institutions run by the bishops from central funds, and those privately endowed. The churches had from their inception devoted some of their income to the care of the sick, hospitality to strangers, and the maintenance of orphans and widows and of the poor in general. As their wealth increased they built and maintained large numbers of hospitals, orphanages, almshouses and hostels. Sometimes this was done on the initiative of the bishop; Gregory Nazianzen lauds the zeal of Basil, whose charitable institutions added a new quarter to the city of Caesarea. But many private benefactors established and endowed institutions. It is plain from the legislation of Anastasius and Justinian that orphanages, hospitals and almshouses often owned lands of their own from whose rents they were maintained. Cyril of Scythopolis records that Justinian built a hospital of a hundred beds at Jerusalem, and settled on it an annual revenue of 1,850 solidi.<sup>73</sup>

The central fund of the see was originally managed by the bishop himself, but later it became customary, in the East at any rate, for him to appoint one of his priests as manager (*οἰκονόμος*): this was made the rule by the Council of Chalcedon to avoid the bishop's being involved in any financial scandal. In the West the bishop seems generally to have remained responsible for church finance. In the allocation of the revenues a dividend system was usual, whereby certain proportions of the total revenue were allotted to various purposes. The system seems to have been an old tradition in the Western churches. In Africa it prevailed in the middle of the third century; when Cyprian ordained two confessors as readers, he gave them the status of priests 'so that they may be honoured with the same fees as priests and share in the monthly divisions in equal proportions'. Cyprian also alludes to his own proportion of the church revenue.<sup>74</sup>

The scheme favoured by the popes, which they applied in the Suburbicarian provinces and advocated elsewhere from the end of the fifth century, was to divide all the revenues from rents and offerings (in the cathedral and its *tituli*) into four portions, one for the bishop, one for the clergy (the *cardinales* of the central establishment), one for the repair and lighting of the churches (the cathedral and its *tituli*), and one for the poor. There were local and regional variations. At Ravenna Pope Felix IV ruled that the bishop should have all the extras in kind paid by tenants of the church; the meat, poultry, eggs, cheese, honey and so forth thus provided would help the bishop in his duties of hospitality. In Spain in 572 the Council of Bracara laid down a threefold division, for the bishop, the clergy and the fabric; the special foundations, supplemented by voluntary donations from the bishop and clergy, were presumably deemed sufficient for the poor. In Gaul the Council of Orleans in 511 divided the offerings on the altar half and half between the bishop and his clergy, but reserved all the rents from endowments to the bishop, who was to spend them at his discretion.<sup>75</sup>

The quarter allocated to the clergy was in its turn divided into shares, which varied according to the recipients' grade. The local rules again varied. At Catana the lower clergy claimed that one-third should go to the priests and deacons, and two-thirds to themselves; but the priests and deacons protested that according to the custom of their church they ought to get two-thirds and the rest one-third.<sup>76</sup>

In the East Severus of Antioch alludes to distributions; he declares that aged priests must not be excluded from them. But they evidently played a minor part in clerical incomes; it was probably only the offerings and not the total revenues, as in the

West, which were shared out. It is at any rate plain that by the sixth century it was usual to assign fixed stipends to the various grades of the clergy. This appears from the financial difficulties of the Great Church of Constantinople in the sixth century. Owing to the increase of the clergy above the establishment, Justinian tells us, the church had exceeded its income and run into debt. Severus of Antioch makes the same complaint about his church, and Justinian states that the trouble was general. On the dividend system this difficulty could not arise; the shares of the clergy would have sunk, but the total expended on their stipends would have remained the same. Bishops probably also received fixed stipends. Theodore of Syceon as bishop of Anastasiopolis had an allocation of 365 solidi a year, which is obviously a solidus a day, and not a proportion of the revenue of the see.<sup>77</sup>

The finances of the *parochiae* or *dioeceses* and of the endowed charitable institutions were under the general control of the bishop, but the degree to which he interfered with them in practice varied greatly. In the East Anastasius made the managers of churches and the administrators of institutions, together with the clergy who served in them, responsible even for so serious a step as alienating a part of their endowments in case of urgent need, and only added that the bishop's consent must be obtained if it was the local custom.<sup>78</sup>

In Africa a council enacted in 421 that a priest might not alienate the lands of the church which he served without his bishop's leave. This rule was re-enacted by several sixth-century Gallic and Spanish councils, and in these regions the bishops claimed a tighter control over local endowments, and showed a strong tendency to absorb them. The Council of Orleans in 511 ruled that all lands or slaves given or bequeathed to parishes fell under the bishop's control. This rule had its dangers. The Council of Carpentoratum in 527 had to rule that if the church of the city was adequately endowed, the bishop must allow the rents of property left to parish churches to be used for their repair and the maintenance of their clergy: it did, however, allow poorly endowed bishops to transfer to their own churches the surplus revenues of well-endowed parishes, provided that enough was left for their repair and salary bills. In 545 the fifth Council of Orleans had to pass a special canon to assure King Childebert that the bishop of Lyons would not transfer to his own church the lands with which the king had recently endowed the hostel which had been built in that city. In Spain the third Council of Toledo in 589 denounced those who, when the churches they had built were consecrated, contrary to the canons demanded that the endowments which they had given

to them should not pass under the bishop's control. A later Council of Toledo, held in 633, explains why they did so. Bishops were liable, it admitted, to take over the endowment, leaving nothing for the repairs of the church or the pay of the priests. The council forbade this abuse, but still insisted that donors must recognise the bishop's control of the endowment.<sup>79</sup>

The Gallic and Spanish bishops were not only prone on occasion to pocket the endowments of parochial churches. They also made a regular claim to a third share in the offerings made in them. In Gaul the first Council of Orleans laid down this rule in 511. In Spain it was declared by the Council of Tarraco five years later to be an ancient custom that the bishop took a third of the parochial offerings at his annual visitation; it is implied that he was supposed to devote it to the repair of the local church. The Council of Bracara in 572 enacted on the contrary that the bishop was not to take the third of the offerings, which was to be reserved for the lighting and repair of the church; 'for if the bishop takes that third part, he has taken away the lights and the sacred fabric'. The fourth Council of Toledo, however, in 633 allowed the bishops a third not only of the offerings but of the rents.<sup>80</sup>

We possess very few figures for ecclesiastical revenues earlier than the sixth century. The wealth of the churches grew enormously between the beginning of the fourth century and the sixth, but there is no means of estimating how rapid the growth was. There were at all times great contrasts between the richest and the poorest sees, and these were probably accentuated with the progress of time, since the great sees attracted more numerous and larger benefactions. The church of Rome was already relatively wealthy in the middle of the third century, when it had, besides its bishop, 46 priests, 7 deacons, 7 sub-deacons, 42 acolytes, 52 exorcists, readers and doorkeepers, and over 1,500 widows and poor 'all of whom the grace and bounty of the Lord feeds'. But Constantine's donations transformed the situation; the rents of the lands which he gave to the Roman church totalled well over 400 lb. gold. It is not surprising that fifty years later Pope Damasus lived in so grand a style that one of the great pagan senators of Rome, Agorius Praetextatus, could say to him (in jest, it is true): 'Make me bishop of Rome and I will become a Christian tomorrow.' But Rome was in a class by itself. Constantine's benefactions to other Italian sees were on quite a different scale, ranging from about 10 lb. gold a year for Capua and Naples to about 25 lb. for Albanum; Ostia

also received about 25 lb. from the combined benefactions of the emperor and of Gallicanus. Ammianus Marcellinus points the contrast between the pope and the bishops of the smaller Italian towns, who lived in a very modest style.<sup>81</sup>

According to John Chrysostom the church of Antioch in his day enjoyed a revenue which was comparable with that of one of the wealthier residents of the city, but not of the very richest. Augustine told Albina that 'my paternal estate can hardly be reckoned to be a twentieth part in comparison with the lands of the church which I am now deemed to possess as owner': but Augustine was the son of a poor decurion of a small town, and his see of Hippo was a considerable city. Alexandria must have been a very wealthy see by the 430s, for Cyril was able to lay out 1,500 lb. gold in presents to the court, and soon after to spend another 1,000 lb. gold (not to speak of valuable gifts in kind) for the same purpose: it is true that his archdeacon declared that the church of Alexandria was as a result stripped bare and in debt, but it seems to have recovered from the strain without difficulty. At the beginning of the seventh century John the Almoner on assuming office found 8,000 lb. gold in the patriarchal palace.<sup>82</sup>

In 546 Justinian fixed the consecration fees of bishops on a sliding scale according to their incomes. He placed the five patriarchates in a class by themselves. Below them came sees worth over 30 lb. gold per annum, then those from 30 to 10 lb., from 10 to 5, from 5 to 3, from 3 to 2, and under 2. These figures fairly certainly represent not the total incomes of the sees, but episcopal stipends. We know from a decision given by Pope Felix IV (526-530) that one-quarter of the revenue of the see of Ravenna amounted to 3,000 solidi, over 40 lb. gold. The bishopric of Ravenna thus fell, as one would expect, comfortably within Justinian's first class; for Ravenna was not only a metropolitan see, but probably richer than most, having been the seat of the court, and having thus attracted substantial benefactions from the crown and great personages in governmental circles. We also know that at Anastasiopolis of Galatia I the bishop's stipend in the sixth century was 365 solidi, or just over 5 lb. gold. Anastasiopolis was an unimportant place, formerly the chief town of a *regio* and only recently promoted to city rank: its bishopric falls appropriately about halfway down Justinian's scale. The poorest bishop of whom we know was Musonius of Meloe, a little hill town in Isauria. Cited before Severus of Antioch for usury, he pleaded that he could not make ends meet otherwise: 'By God, what do you care, you who receive the stipends of Antioch, while I have nothing in my city, not so much as six solidi?' His plea was

apparently genuine, for he promised to amend his ways on receiving a subsidy of 12 solidi a year from Severus.<sup>83</sup>

There were thus glaring contrasts between episcopal incomes. Musonius got less than a private's pay in the army, but this was probably very exceptional. Even at a second-rate town like Anastasiopolis the bishop was substantially better paid than most professional men: six times what the public doctor got at Antinopolis, five times what professors of rhetoric or grammar got at Carthage, five times what the judicial assessor of the average magistrate of *spectabilis* grade received. His salary was in fact as high as that which the provincial governors of Helenopontus, Pontus Polemoniacus, Paphlagonia and Honorias had received before Justinian's reforms. A great metropolitan like the bishop of Ravenna drew a salary equal to the highest allocated by Justinian to a *spectabilis*: the Augustal prefect and *dux* of Egypt got 40 lb. gold for his combined offices. The two upper grades in Justinian's scale, which would no doubt include all metropolitans, covered the same salary range as he allotted to his proconsuls, praetors and moderators. A side-light is thrown on the scale on which the great bishops lived by a decision of the Council of Chalcedon. It awarded a pension of 200 solidi a year to each of the two rival metropolitans of Ephesus whom it had just deposed, 'by way of subsistence and consolation'. Domnus, ex-bishop of Antioch, got 250 solidi in similar circumstances.<sup>84</sup>

There were as striking differences between the lower clergy. They were graded in orders according to ancient canonical custom. First came priests and deacons, who as servants of the altar stood rather in a class apart. There followed sub-deacons, and the various minor orders, readers, acolytes, singers, exorcists, and doorkeepers. Below these again came such humble fry as gravediggers (*fossores* or *copiatae*) and hospital attendants (*parabalani*). There were also deaconesses, whose principal function was to superintend the baptism of women. The distinction between the orders was primarily liturgical, but they were also grades of seniority, and, within a given church, carried increasing emoluments. In one Italian church deacons were by a strange anomaly better paid than priests, and accordingly refused promotion: Pope Gelasius advised that the salary scales be revised 'so that, convinced by this argument at least, they may try to seek the honour which they had avoided—and profit'.<sup>85</sup>

From the financial point of view the order which a cleric held was much less important than the church to which he belonged. There was a growing distinction between the *cardinales* or *canonici* who were on the roll of the bishop's church, and the clergy of



the parishes and institutions. Among the former there were naturally great contrasts according to the wealth and importance of their see, but in general they seem to have been better paid and ranked higher than the latter. In sixth-century Gaul the clergy of 'the church of the city' were apparently reluctant to surrender their places and emoluments when they were appointed to 'dioceses or basilicas situate in any place, i.e. either in the territory or in the city itself', and the Council of Orleans in 538 had to rule that it should be within the bishop's discretion whether he allowed them to retain any part of their emoluments derived from the church of the city. It might even be a financial loss for a priest of a great church to become bishop of a lesser one. Gregory, a priest of Ravenna, was deeply aggrieved when he was in 482 forcibly consecrated to the see of Mutina, and insisted on being compensated by the grant for his life of a Ravennate estate worth 30 solidi a year clear. Among the clergy not on the bishop's roll there was all the difference in the world between the staff of a well-endowed hospital or a martyr's shrine which attracted a great flow of offerings, and the humble priest of a poor rural parish.<sup>86</sup>

In the primitive church the clergy had no doubt to earn their own livings, but by the middle of the third century the higher orders at any rate were deemed to be full-time workers and received salaries adequate to maintain them. The practice varied locally. At Rome Pope Cornelius' letter implies that all the clergy, including the minor orders down to doorkeepers, were paid. At Carthage Cyprian insisted that the higher clergy who served the altar (i.e. priests and deacons) must be full-time and not even act as guardians or trustees under a will, seeing that they shared in the emoluments of the church. The lower clergy, however, might apparently practise trades, and receive only such supplementary payments as they required. At Cirta at the time of the Great Persecution some at any rate of the readers worked for their living; one was a schoolmaster and another a cobbler.<sup>87</sup>

The immunity from the *collatio lustralis* which Constantine granted to clerics, and which a series of fourth and fifth century laws maintained, implies that many of the clergy continued to work at crafts or engage in trade; Basil in one of his letters states that his clergy lived by the former and not the latter. But the clerics concerned were mainly those of the humblest grades: laws of 356 and 360 indeed restrict the immunity to gravediggers (*copiatae*). By the middle of the fifth century clerical trade began to be viewed with disfavour. Valentinian III forbade it in 452, and about the same time the Council of Arles did the like. But many of the minor clergy continued to practise crafts. Severus of

Antioch ruled that the subdeacons of Alexandria ad Issum should not be required to do weekly turns of duty at the bishop's palace, because they received no pay and had to work for their living. Cyril of Scythopolis mentions a deacon of Jerusalem who worked as a silversmith. This is a very exceptional case, for priests and deacons, according to the general practice of the Eastern Church, as set out in the Canons of the Apostles, were salaried: he must have served a very minor parochial church. At Alexandria in the early seventh century we hear of two clerics, one a reader, who worked as cobblers.<sup>88</sup>

By the fifth century at any rate it was well worth while to be a priest or deacon on the establishment of a great see. Theodore, an *agens in rebus* of twenty-two years' service, who was, as he explained in his petition to the Council of Chalcedon, within sight of 'the privileges of that great corps', accepted a diaconate at Alexandria from Cyril; and from the tone of his petition it is clear that he had no vocation. Marinus the Syrian, Anastasius' great praetorian prefect, asked Severus of Antioch to get the metropolitan of Apamea to ordain one of his relatives as priest; he was a poor relation, but even poor relations of so great a man as Marinus were not paupers. Severus was also asked himself to ordain a protégé of the great eunuch Eleutherius, the *sacellarius*. This kind of thing was, according to Justinian, common in the Great Church of Constantinople and the major sees generally. Under the judgment of Pope Felix IV the sixty clergy of Ravenna received 3,000 solidi between them, that is an average annual stipend of 50 solidi; actually the ten priests and eleven deacons would have received larger stipends, perhaps as much as some 100 solidi each. And this was their income from endowments only, without taking their share of the offerings into account.<sup>89</sup>

By contrast the priest or deacon of a rural parish was usually a very humble person, and often miserably paid. If his church was on a great estate, he was normally a *colonus* and had to pay his *capitatio* like the rest, and find a substitute to work his holding. The endowment of rural parishes was often meagre: Gregory the Great licensed the consecration of churches that had as little as 10, 6 or even 3 solidi a year after payment of tax, and this had to cover the lighting and repair of the church as well as support the priest. He had of course his offerings as well—or two-thirds of them, if as in Spain and Gaul the bishop pocketed a third—but they are unlikely to have been substantial. He was moreover subject to other exactions by his bishop, who was wont to make oppressive claims for hospitality and transport on his annual visitation, and levied a fee called *cathedraticum*, which Pope

Pelagius and two Spanish councils endeavoured to limit to two solidi.<sup>90</sup>

An index to the growing wealth of the church is the emergence of simony and kindred abuses. There had, of course, been isolated cases of simony at all times. In the proceedings before Zenophilus, consular of Numidia, in 320, it was alleged that one Victor had given twenty *folles* to Silvanus, the bishop of Cirta, to be ordained priest, and that four hundred *folles* had been paid for the election of Majorinus as bishop of Carthage. Nor did men always pay money for orders because they were financially profitable. Basil found that his rural bishops were accepting bribes for ordinations, but the motive of the ordinands was to escape military service. Antoninus of Ephesus was alleged to sell consecrations of bishops at a regular tariff according to the revenues of the sees: but when John Chrysostom held an investigation the bishops concerned declared that they had paid for their consecration to escape their curial obligations, and were quite content to be unfrocked when John gave them their money back and promised to persuade the emperor to release them from the *curia*.<sup>91</sup>

Simony does not seem to have become a crying scandal until the middle of the fifth century. The emperor Marcian specially requested the Council of Chalcedon to condemn it, and it duly enacted a canon to that effect. At about the same time in the West the Council of Arles also issued a canon against simony. Thereafter imperial laws and ecclesiastical canons against the abuse became common. Bribery was common at all levels, and with it went the use of influence and intimidation. Candidates for ordination bribed bishops or got patrons to exercise pressure on their behalf; candidates for bishoprics bribed or intimidated the lay and clerical electors; candidates for the papacy bribed their electors on an unprecedented scale.<sup>92</sup>

Some payments became habitual and were eventually sanctioned by custom. Justinian prohibited (except in the Great Church of Constantinople) the payment of what were called *insinuativa* (*ἐμφανιστικά*), fees demanded by the clergy of a church for the admission of new members, but permitted the customary fees to the assistants of the ordaining bishop—provided that they did not exceed one year's stipend.<sup>93</sup>

He also regulated the consecration fees of bishops (*ἐνθρονιστικά*). These were an old abuse. At the Council of Chalcedon Eusebius, metropolitan of Ancyra, though accepting the patriarchal dignity proposed for Constantinople, pleaded: 'I beg that the cities may not be ruined on account of consecrations, for if the persons elected by the city are not approved by the provincial council and conse-

crated in the cities themselves, their property goes to ruin. I speak from experience, as I paid a great sum for my predecessor.' Philip, a priest of Constantinople, objected that this kind of thing was abolished by canon, but Eusebius remained sceptical. 'By God's grace the reputation of the holy archbishop Anatolius is unsullied, but no one is immortal.' Justinian allowed the five patriarchs to pay sums not exceeding 20 lb. gold to the bishops and clergy concerned in their consecration. Those appointed to the wealthiest sees, of an annual value exceeding 30 lb. gold, paid 100 solidi to their consecrator and 200 solidi to his notaries and assistants, and so on down a sliding scale: consecrations to sees worth less than 2 lb. gold were free.<sup>94</sup>

Candidates for bishoprics were apparently allowed reasonable election expenses. In a case tried before Pope Gelasius a certain Eucharistus stated that he had given Faustus, a *defensor* of the church of Ravenna, 63 solidi to spend in connection with his candidature for the see of Volaterrae. He had not been elected and reclaimed the money, but Faustus counterclaimed that he had spent part of the money, 22½ solidi on food and forage for the decurions whom he had produced to support his candidate, and 9 solidi for investigating a false charge (no details are given of this mysterious item). Gelasius allowed the counterclaim and ordered Faustus to repay the balance.<sup>95</sup>

As Christianity spread and the wealth of the church increased, so the numbers of the clergy grew. The see of Rome already had a staff of 154, including 46 priests and seven deacons (a number which the popes considered canonical and never exceeded), in the middle of the third century. But in this Rome was quite exceptional. At Cirta, the capital of Numidia, when on 1 June 302 the *curator* of the city cited the clergy to surrender the scriptures, there appeared at the house where the Christians assembled, besides the bishop, three priests, two deacons, four subdeacons, and half a dozen gravediggers; the *curator* later visited the houses of seven readers, who had failed to present themselves. There were thus a total of sixteen, not counting the gravediggers. Constantine in 326, alarmed by the flood of decurions who took orders in order to escape their curial duties, endeavoured to fix the numbers of the clergy, ordering that none should be ordained save to fill a vacancy caused by death, but this law, if ever enforced, inevitably became a dead letter. No further restrictions were imposed until the Council of Chalcedon enacted that clergy should only be ordained to a particular church.<sup>96</sup>

In 518 a petition against Peter, metropolitan of Apamea in Syria, by the staff of the episcopal church, was signed by 17 priests, over 42 deacons, 3 subdeacons and 15 readers; they thus numbered about 80. The judgment of Pope Felix IV on the revenues of the metropolitan see of Ravenna was signed by 60 persons, including ten priests, eleven deacons, five subdeacons, twelve acolytes, twelve readers and four singers. The patriarchal churches naturally had larger staffs. Justinian ordered that the establishment of the Great Church of Constantinople should be reduced to 60 priests, 100 deacons, 90 subdeacons, 110 readers, 25 singers and 100 doorkeepers—485 persons in all—besides 40 deaconesses; and they served only four of the many churches of the capital.<sup>97</sup>

To these must be added gravediggers and hospital attendants. The latter, the *parabalani*, were at Alexandria reduced to 500 in 416, only to be increased to 600 two years later. At Constantinople there was a body of 950 *decani*, who under a scheme laid down by Constantine provided free burials for the whole city. He gave immunity from taxation to 950 shops on condition that each provided a *decanus*. Anastasius added another 150 shops, and also an endowment of 70 lb. gold a year. Justinian reorganised the service with minute attention to detail. Of the 1,100 shops 800 were to provide a man each, the other 300 to pay a cash commutation. This money, together with Anastasius' endowment (which had apparently dwindled), was to furnish pay not only for the 800 *decani* (182 solidi a month) but for female mourners drawn from various sources (218 solidi a month). The standard funeral was free, but those who wanted more numerous mourners or specially splendid biers had to pay extra.<sup>98</sup>

Many of these clerics were engaged on administrative duties. From the time of the Council of Chalcedon one of the priests in every episcopal church in the East served as general manager of the finances. The popes employed members of their clergy as regional agents in charge of the church lands. There were also sacrists in charge of the church treasures and plate, and keepers of the archives. The charitable activities of the see were conducted by managers of its hospitals, almshouses and hostels. In any episcopal church of any importance there were moreover bodies of notaries, who kept its records, and of *defensores* (ἐκδιδυμοί), who guarded its legal interests and served as clerical policemen. These were recruited from the clergy, holding the grades of lector, subdeacon, deacon, and priest as they rose in seniority from the bottom of the list to *primicerius notariorum* or *defensorum*.<sup>99</sup>

These figures refer to the staffs of episcopal churches only, and do not take into account the numerous clergy who served in

independent charitable institutions, and in urban and rural parochial churches. We have only two figures. When Ibas, bishop of Edessa, told the Council of Chalcedon that his clergy numbered 200 or more, he was probably referring to the total number in his city or see; the staff of the episcopal church of Edessa at this date comprised 14 priests, 37 deacons, 23 subdeacons and one reader. All the clergy of the church of Carthage, according to Victor Vitensis, numbered 500 or more, including boy readers: the cathedral church is unlikely to have had a larger staff than the Great Church of Constantinople, and the figure no doubt represents the total of the clergy in the city.<sup>100</sup>

The clergy enjoyed a number of fiscal and other privileges, mostly granted to them by Constantine or Constantius II. They, or the poorest and humblest grades among them, were, as we have seen, immune from the *collatio lustralis*. They were also exempted with their families and households from the *capitatio*; this privilege was later restricted as the numbers of the rural clergy grew, and each church was allowed only a fixed number of immune places, so that clergy in excess of the quota had to pay poll tax. The clergy were also exempt from billeting and *corvées*. These privileges mainly affected the humbler sort of clerics. Those who owned land had no immunities; despite representations by the council of Ariminum Constantius II refused to remit either the regular tax or additional levies. The privilege which affected upper-class clergy was immunity from the *curia*, a concession which caused endless conflicts between the government and the church.<sup>101</sup>

It remains to consider how the clergy were appointed and from what classes they were drawn. It was the prerogative of the bishop—except in so far as he delegated his functions to rural bishops—to make all ordinations in his territory. It was also an old rule, affirmed by the Councils of Arles and Nicaea and constantly re-enacted, that clergy might not migrate from the city in which they were first ordained. In theory therefore a bishop had complete control over the appointment and promotion of all clerics in his territory, and conversely all clerics were entirely dependent for their advancement on their bishop: in point of fact the rule against migration was laxly enforced, as its frequent repetition shows.<sup>102</sup>

It was no doubt always the normal rule that a man should take minor orders first, and move up by regular stages to the priesthood. This was certainly the ideal inculcated by the popes in the late fourth and fifth centuries. Siricius ruled that an ordinand must be reader or exorcist for two years and subdeacon for five before going on to the diaconate and that deacons must not be ordained

before thirty or priests before thirty-five. Zosimus stiffened these rules; an ordinand must serve five years as reader, then four as subdeacon and five as deacon before reaching the priesthood. Zosimus had, however, to admit that this strict order of promotion was little observed in Gaul or Spain, or even in Africa, where discipline was better enforced.<sup>103</sup>

The rules seem excessively rigid, and would have made the church too like the civil service—which Zosimus cites as a model. They were naturally cherished by the mass of the clergy, who resented persons who possessed influence or were favourites of the bishop being ordained or promoted out of turn. When Peter of Apamea ordained a layman straight to the diaconate, his readers raised a protest and so annoyed the bishop that he blasphemously declared: 'if you do not keep quiet, I will ordain you subdeacons, so that if the Crucified himself came down he could not rescue you from my hands'—the significance of the threat is obscure: perhaps subdeacons at Apamea were, as at Alexandria ad Issum, unpaid and overworked.<sup>104</sup>

Irregular promotions were, however, not uncommon: Cyril of Alexandria made the *agens in rebus* who was deputed to serve him at the Council of Ephesus a deacon. They might be forced on a bishop by external pressure. Pope Felix IV had to warn the clergy of Ravenna that laymen, including monks, must not seek the patronage of great men to obtain orders to which they were not entitled, thus making their bishop appear unfair if he complied or ungracious if he did not. As we have seen Severus of Antioch had great difficulty in refusing a priesthood to a candidate recommended to him by the *sacellarius*, and wrote a piteous letter to one of the other imperial eunuchs, begging him to placate the great man: but he himself backed the candidature of another layman, recommended by Marinus, the praetorian prefect, for a priesthood at Apamea.<sup>105</sup>

Apart from such external pressure and the claims of seniority a bishop had a free hand in appointing and promoting his own clergy, the *cardinales* or *canonici*. In the separately endowed churches he had to consider the wishes of the founder and, when the church was on an estate, those of the landowner, whether he had built the church himself or not. An imperial law of 398 enacted that in a church on an estate only a *colonus* of that estate might be ordained, and another of 409 made the ordination of a *colonus* even on his own estate subject to the landlord's consent. The Council of Arausio in 441 dealt with the rather delicate case when a bishop founded a church, perhaps on an estate of his own, in another bishop's territory. It ruled that the bishop in whose territory the

church lay must have control, but he ought to ordain such candidates as the founder bishop presented to him, and accept any already ordained clergy that the founder wished to institute. Justinian enacted that the founder of a church or its patron, who provided its revenue, was not at liberty to present anyone he liked to the bishop to be ordained without question; the bishop was to examine candidates and reject the unworthy. The Council of Orleans in 541 forbade the owners of estates to employ clergy from elsewhere in their churches without the bishop's consent.<sup>106</sup>

Ordinands might be of any age, from infants to men of advanced years. Most candidates were no doubt young men, but some took orders after having completed a secular career, like the retired *memorialis* Euthalius who became a priest at Cyrrhus, and it was not uncommon for parents to dedicate their children in infancy to the church. Siricius and Zosimus made special rules for those who had entered orders in infancy; they were not to be promoted above the grade of reader under twenty however long their service. An interesting example of the variety which prevailed in the age of ordination is provided by the Council of Mopsuestia in 550. Of fifteen aged priests and deacons of that city five had received their first orders at thirty or over (two at thirty-seven or eight), four between fifteen and twenty-four and no fewer than six at ten or under (some at five or six).<sup>107</sup>

Most candidates for orders were volunteers, but by no means all. There are innumerable stories of holy men, monks or hermits, who despite their protests of unworthiness were more or less forcibly ordained by strongminded bishops, usually supported and even pressed on by popular clamour. In other cases compulsion was applied for less worthy motives. There was an embarrassing incident at Hippo when the enormously rich young senator Pinianus came to visit Augustine. The people of Hippo, thinking that he would be a desirable catch owing to his wealth and generosity, clamoured that he be ordained priest forthwith, and the demeanour of the congregation was so threatening that Augustine was almost forced to comply, and only managed to rescue the terrified and unwilling young man by making him swear in public never to accept ordination in any other city. The emperor Majorian found it necessary to legislate against forcible ordinations, allowing the victims to divest themselves of their orders and recover 10 lb. gold as damages from the archdeacon of the church concerned. He states that parents often encouraged such practices in order to get rid of sons whom they disliked and wished to cut out of their inheritance.<sup>108</sup>



By a canon first promulgated by the Council of Nicaea and re-enacted by a number of later councils, a bishop might not leave the see to which he had been consecrated and move on to another. This rule seems to have been fairly well observed; Socrates could only collect a dozen cases of translation in all the Eastern empire over a period of two generations. It was aimed against ambitious careerists, but its strict observance worked hardly for men who like Gregory Nazianzen had been consecrated unwillingly to petty sees which gave no scope for their abilities. It also prevented any promotion from ordinary to metropolitan or patriarchal sees, and meant that men of tried ability and experience were excluded from the most responsible positions in the church.<sup>109</sup>

Bishops stood in a class apart from the ordinary clergy. They were not necessarily chosen from among the clergy of the city—the canon against the migration of clerics to cities other than their own did not apply when the choice of a bishop was being made—and even laymen might be elected. Hosius elicited a canon from the Council of Sardica that a layman must serve as reader, deacon and priest before he became a bishop. This became regular papal policy: Leo directed that in Illyricum metropolitans should be chosen from the priests and deacons of the metropolitan church. Eventually Justinian made an imperial law that only *bona fide* clerics of at least six months' standing might become bishops; the rule was not to be evaded by bestowing the minor orders on the candidate a day or two before his consecration.<sup>110</sup>

This rule was naturally favoured by the clergy, who disliked having an outsider put in over their heads, but the people often thought otherwise. What they wanted was either a really holy man, a monk or hermit, whose intercessions on their behalf would be likely to be effective with the powers above—and such holy men were often not in orders—or a man of position and influence, whose intercessions to the imperial government would be effective. As the people of Hydrax and Palaebisca explained to Synesius, Orion the bishop of Erythrum (under whom they had been) had been 'very mild', and so they had chosen a bishop of their own, Siderius, 'who had come down from the court of the emperor Valens on business connected with the care of lands for which he had petitioned—a man who could do harm to his enemies and good to his friends'.<sup>111</sup>

The popular will often prevailed, and the order laid down by the popes was regularly broken. There are countless instances of

monks and hermits being, often much against their will, forced to become bishops. Some were a great success: others, like the unhappy Theodore of Syceon, who ultimately got leave to retire, were quite incapable of handling the administrative work which a bishop had to perform. Ordinary laymen also continued to be consecrated down to the sixth century.<sup>112</sup>

Bishops, like the lower clergy, were on occasion consecrated against their will. Sometimes it was the people of the city who insisted on imposing their will, as in the famous case of Ambrose. Sometimes it was the imperial government which wanted to relegate a powerful subject to a position where he could do no harm; Cyrus, once praetorian prefect of the East and prefect of Constantinople, was made bishop of Cotyaeum when he fell from power. Sometimes it was a strong-minded metropolitan who applied pressure and not always for worthy motives. Bassianus was a wealthy Ephesian who had endeared himself to the people by his charity—he had founded a hospital with seventy beds. According to his own story, which he told to the Council of Chalcedon, Memnon, the bishop of Ephesus, was jealous of him and, wishing to get rid of him, despite his protests consecrated him bishop of the miserable little city of Euaza by violence—‘from the third hour to the sixth he exhausted me with blows at the altar, and the holy gospel and the altar were covered with blood’. Bassianus, it may be suspected, had higher ambitions than Euaza; his subsequent career will be told later. The church had no sympathy for bishops who refused to go to the sees to which they were consecrated: the Council of Antioch ordered them to be excommunicated.<sup>113</sup>

Sometimes an aged bishop arranged for his successor to be consecrated during his lifetime: Augustine was made bishop of Hippo in this way by his predecessor Valerian. But the practice was considered irregular and was condemned by a Roman council in 465. The normal procedure was for the clergy and people on the one hand, and the metropolitan and other bishops of the province on the other, to agree on a candidate: when the see was itself a metropolis it was apparently in early times the other bishops of the province who represented the episcopal side; later (in the East) the patriarch’s consent was required. The role played by the clergy and people in the proceedings varied greatly according to circumstances. Sometimes they had no ideas of their own and accepted a candidate chosen by the metropolitan or the bishops, or even asked him or them to find a suitable man. When bishop Aeneas died the little Christian community of Gaza could not choose a successor; there were a number of suitable candidates

both among the clergy and the laity, but none commanded a majority. So they resolved to send a delegation to their metropolitan, John of Caesarea, to ask him to choose, and he picked on an outsider, Porphyry.<sup>114</sup>

Frequently, and especially in times of acute doctrinal controversy, the bishops took a high hand and consecrated someone of their party in defiance of the wishes of his future flock. This abuse appeared very early. The Council of Ancyra, held before Nicaea, had to deal with cases of bishops whom, though duly consecrated, their cities had refused to receive, and so also had the Council of Antioch, held soon after Nicaea. These homeless bishops were rather a nuisance, being liable to make trouble with the bishops of their native towns, or to take over sees which fell vacant without the leave of their metropolitan and colleagues. The imposition of bishops on unwilling cities was often effected by force, with the aid of troops supplied by the imperial government; after Chalcedon very few orthodox patriarchs of Alexandria took possession of their sees otherwise. Apart from these notorious cases, there was a tendency in the fifth and sixth centuries for patriarchs and metropolitans to ride roughshod over the rights of the cities. Leo had to rebuke the metropolitan of Achaea for doing so, and Sisinnius of Constantinople consecrated Proclus bishop of Cyzicus, only to find that the Cyzicenes had chosen another man.<sup>115</sup>

Usually, however, the people of the city had some say in the election of their bishop. Occasionally they took matters into their own hands by demonstrating with such fervour for the man of their choice that the bishops had to agree. Ambrose and Martin were thus chosen by popular acclamation, and while the former was acceptable to his future colleagues, the latter was not. 'He is a contemptible person,' they objected, 'unworthy of the episcopacy, a man of despicable appearance with dirty clothes and unkempt hair'; but they had to consecrate him.<sup>116</sup>

For a popular candidate to be installed only one bishop was absolutely necessary and one could generally be cajoled or bullied into acting. The story of Bassianus' election to the see of Ephesus was thus told to the Council of Chalcedon by his consecrator, Olympius of Theodosiopolis. 'The clergy of the city of Ephesus itself notified me. "Come to Ephesus," they said, "so that the city can receive a consecration canonically, because the late bishop Basil of holy memory has passed away." When I received this letter, I went, supposing that other reverend bishops had been summoned too. Three days before he was due to enter the church and be enthroned I put up at an hotel and waited for the other bishops, so that there should be a canonical consecration according

to custom. I waited one, two, three days at my hotel and no other reverend bishop appeared, and finally some of the reverend clergy came and said to me: "There are not any other bishops here. What's to be done?" "If there are not other reverend bishops here," I replied, "what can I do alone? It is contrary to a strict observance of the canons for one bishop to deal with a church, especially such an important metropolis." While they were talking with me, the building where I was staying was surrounded by an enormous crowd and one Holosericus—that was his name, an official of the *comes*, I think—came in with dagger drawn and he and all the crowd carried me off to the church.<sup>117</sup>

Popular elections were not always uncontested, and might lead to sanguinary rioting. Ammianus describes the contest between Damasus and Ursinus for the papal throne; after one brawl in the basilica of Sicininus one hundred and thirty-seven corpses were removed. We possess official correspondence between the imperial government and the prefects of the city about the later contest between Boniface and Eulalius; it vividly illustrates the prefect's difficulties in maintaining order in the face of popular passions.<sup>118</sup>

Such tumultuous elections, whether contested or uncontested, were somewhat exceptional. More usually there was an orderly debate. The electoral body is usually described as *clerus et plebs*, but neither body is clearly defined. *Clerus* probably in practice normally meant the priests and deacons of the central episcopal establishment, but at one election Pope Gelasius ordered that the priests and deacons from all the parishes should be convened. *Plebs* might in a small community mean the whole body of the laity. Synesius speaks of the unanimous vote of the whole people at the village see of Olbia, and at another village see, that of Hydrax and Palaebisca, describes how he summoned a mass meeting at which women were present. But in the middle of the fifth century the formula changes to *clerus ordo et plebs* or *clerus honorati ordo et plebs*, and it may be suspected that the common people were in most cities given little opportunity to do more than acclaim a candidate chosen by their betters: the mid fourth-century canons of Laodicea even ordained that 'the mob should not be allowed to make the choice of those to be appointed bishops'. The lay electors were in fact the members of the city council, and the local notables who belonged to the imperial aristocracy.<sup>119</sup>

If the election was unanimous and the candidate acceptable to the consecrators, all went well. If on the other hand either of these conditions was not fulfilled, a deadlock might ensue, and no regular procedure was at first laid down for dealing with such cases. Pope Leo directed his vicar at Thessalonica that the metropolitan

of the province should choose the worthier candidate in case of a disputed election. Sidonius Apollinaris tells of two episcopal elections which he witnessed. At Cabillonum there were three candidates, none of them very desirable, a nobleman of dissolute life, a man who based his hopes on his lavish treating of the electorate, and a third who had promised grants of church lands to his backers. The metropolitan rejected all three, and persuaded the meeting to adopt the local archdeacon. At Bituriges there were so many candidates that two benches barely accommodated them, and opinion was quite divided: once again the presiding bishop—in this case Sidonius himself—put forward a man of his own choice.<sup>120</sup>

The mid fifth-century Council of Arles had before this date laid down a procedure for avoiding such difficulties: the bishops were to select three candidates from whom the people were to make their choice. This canon had evidently already become a dead letter, if it was ever observed. In the West no machinery for avoiding disputed elections was in fact ever evolved. In the East the rule was adopted that the clergy, decurions and notables of the city should nominate three candidates, from whom the metropolitan should choose one. This rule was apparently laid down by ecclesiastical authority and confirmed by an imperial law under Anastasius; Severus of Antioch alludes to it as a novel procedure. It was re-enacted by Justinian in 528.<sup>121</sup>

Bishops of important sees are known to have notified the emperor of their consecration. When there was any doubt about the validity of an election, it obviously strengthened one's case to be acknowledged by the emperor, and this was probably often the motive. Athanasius, over whose election some doubts were—later, at any rate—raised, wrote promptly to Constantine. Bassianus evidently lost no time in informing Theodosius II of his election at Ephesus, and at the Council of Chalcedon explained that the emperor had accepted it. 'When our most pious emperor heard the news he forthwith confirmed the action taken and forthwith issued a memorandum publicly confirming the bishopric. Afterwards he again sent an imperial letter by Eusebius the silentiary confirming the bishopric.'<sup>122</sup>

There is, however, no sign that official imperial confirmation was required, still less anything in the nature of a *cong  d' lire*. It is indeed remarkable how little the imperial government interfered in episcopal elections. Constantine, it is true, when the see of Antioch fell vacant soon after Nicaea, appointed two of his *comites* to supervise the council of bishops which met to make the election, and when the candidate elected, Eusebius of Caesarea,

refused the honour, suggested two names to them. But this action did not become a precedent. The emperors, of course, in periods of controversy, often lent their aid—including the use of troops—to the party which they were at the time backing, but they seem to have left the choice of the bishops whom they should thus assist in occupying their sees to the appropriate ecclesiastical authorities.<sup>123</sup>

The one exception was the see of Constantinople. Theodosius I ordered the bishops assembled for the Council of Constantinople to submit to him a list of suitable candidates from which he could choose: he chose the last name on the list, Nectarius. His successor, John Chrysostom, was picked by Eutropius, Arcadius' chief eunuch, and Nestorius was the choice of Theodosius II. But even in the capital free elections were sometimes allowed. Socrates describes the debates which preceded the election of Sisinnius in 426—he was the people's favourite. After Nestorius' deposition the disputes before Maximian's election were so long drawn out that when he died three years later the emperor served a mandate to the bishops to consecrate his runner-up Proclus. In 449 Theodosius II at first ordered the clergy of Constantinople to produce a list of suitable candidates, reserving the final choice for himself, but later allowed the clergy to choose. Thereafter the emperors probably in effect nominated the patriarchs of their capital. The monks of Constantinople said that Menas was elected 'by the choice and vote of our most pious emperors and of the devout clergy of his most holy church and of Christ-loving men in various ranks and offices of state and of ourselves and all orthodox Christians'. Pope Agapetus, who consecrated him, said more accurately: 'If the choice of the most serene emperors smiled upon him above the rest, yet such was the approval of all the clergy and people that he may be believed to have been chosen by everyone.'<sup>124</sup>

In so far as the emperors did intervene in episcopal elections it was either to secure zealous pastors for their capital or to promote the doctrinal views which they thought to be true. It was left for the Merovingian kings to treat bishoprics as pieces of patronage, and to issue precepts to their bishops to select their ministers and favourites.<sup>125</sup>

The clergy were drawn from almost every class of society. Slaves were excluded from holy orders; they had to be manumitted by their masters before they could be ordained. This was the rule

both of the state and of the church. The ordination of slaves was prohibited by Arcadius in 398, by Valentinian III in 452, and by Zeno in 484. Justinian relaxed the rule, allowing slaves to be ordained with their owner's consent; they reverted to him if they abandoned the church. He also ruled that if a slave were ordained without his master's knowledge, he could only be reclaimed within a year.<sup>126</sup>

On the clerical side Pope Leo took a very Roman view on the question. 'Persons whom the merit neither of their birth nor of their character recommends are being freely admitted to holy orders, and those who have not been able to obtain their freedom from their owners are raised to the dignity of the priesthood, as if servile vileness could lawfully receive this honour. . . . There is a double wrong in this matter, that the sacred ministry is polluted by such vile company, and the rights of owners are violated, in so far as an audacious and illicit usurpation is involved.' In the sixth century the first Council of Orleans in 511 ordered that a bishop who ordained a slave without his master's consent should make twofold restitution, and the ban was repeated by the third Council of Orleans in 538, and extended by the fifth in 545 to freedmen, for whose ordination their patron's consent was required.<sup>127</sup>

Similar restrictions were placed on the ordination of *coloni adscripticii* or *originales* in the fifth century. In 409 the imperial government in the East forbade *coloni* to be ordained without their landlord's consent, even to serve on the estate to which they were attached. The laws of Valentinian III and Zeno applied to *coloni* as well as slaves. Justinian again was more liberal, allowing *adscripticii* to be ordained even without their landlord's leave, provided that they served on the estate and did their agricultural work. The church again agreed. Pope Leo ruled that *originales* must not be ordained unless their landlords requested it or at least agreed to it. Pope Gelasius repeated the ban, and so did the third Council of Orleans, citing the authority of the Holy See.<sup>128</sup>

For both slaves and *coloni* who were ordained despite the law Valentinian III laid down rules governing their owner's or landlord's right of recovery. If they had become priests or bishops they could not be reclaimed, and deacons could redeem themselves by surrendering their *peculium* and providing a substitute. Those in minor orders were restored to their masters, unless covered by the rule of thirty years' prescription. The correspondence of Pope Gelasius reveals him enforcing these rules at the instance of indignant owners or landlords.<sup>129</sup>

How many slaves or *coloni* actually took orders with or without their masters' consent we have no means of telling, but probably

the majority of the rural clergy on the great estates were drawn from their servile or ascript population. We do not know of any who rose to high office in the church. Justinian enacted that the tenure of the episcopate extinguished servile or ascript condition, but whether this law had more than a theoretical application we do not know.<sup>130</sup>

In the East there was never any ban on the free working population of the towns. The humblest grades of the clergy, the gravediggers and hospital attendants, were recruited from them, and so too no doubt were many of those in minor orders who continued working at their trades. In the West the bakers of Rome were forbidden to take orders in 365, and all members of the Roman guilds in 445. The ban was extended in 452 to the *collegiati* of other cities; Majorian re-enacted the second law. We know of only one individual case of a small trader who took orders, and he does not appear in a favourable light; Albinus in his old profession had bought the plate of a parish church in the territory of Spolegium for a few solidi, and though now in orders refused to part with it though offered a refund of the price.<sup>131</sup>

Very few soldiers or veterans seem to have taken orders. Only two are known to fame. Victricius, who became bishop of Rotomagus in 386, had served in the ranks, only securing his premature discharge with great difficulty from the authorities. Martin, bishop of Tours, had also served as a private in the guards, but he is hardly a typical case, for he had from boyhood resolved to lead a holy life, and was put into the army by his father, an officer, with the object of knocking such nonsense out of him. Otherwise we hear only of those who took orders, usually in the humblest grades of the clergy, to avoid conscription. Basil reproved his rural bishops for ordaining such men for money, and a law addressed to Stilicho alludes to sons of veterans or others liable to service who endeavoured to evade it, or, having been conscripted, to secure their discharge, by becoming clerics or gravediggers.<sup>132</sup>

Some persons of very humble origin certainly rose in the church. The Council of Carthage in 421 passed a canon claiming for the church the lands acquired by men who when they were ordained had owned nothing, and had risen to be priests and even bishops. But individual cases are hard to find. The most striking is that of Aetius. He was the son of a provincial official who misconducted himself and had his property confiscated. Left a penniless orphan with his widowed mother to support, Aetius first worked as a goldsmith, at the same time taking lessons in philosophy. On his mother's death he was able to abandon his trade, and by his brilliance in debate attracted the attention of a professor who in return for



domestic service gave him a literary education. Eventually his master became jealous of him and turned him out. For the next few years he led a wandering life, patronised from time to time by various clergy and later practising as a doctor. Eventually one of his clerical patrons became bishop of Antioch and ordained him deacon. He ended his life as a bishop.<sup>133</sup>

To turn to the opposite end of the social scale, senators and other *honorati* do not often seem to have taken orders, and if they did usually became bishops straight away: the case of Paulinus, a wealthy Gallic senator who abandoned his career and sold his estates to pursue a religious life and only became bishop of Nola many years later, is exceptional. It caused a sensation when Ambrose, son of a praetorian prefect and himself consular of Aemilia, was chosen bishop of Milan. A few years later it occasioned surprise when Nectarius, a senator of Constantinople, was, though a layman, put on the short list for the bishopric of Constantinople, and was selected by Theodosius I: his brother Arsacius later occupied the same see.<sup>134</sup>

As the senatorial order expanded and took in men of humbler station, and as the wealth and social position of bishops increased, it no doubt became commoner for senators to condescend to be consecrated. Pope Siricius regarded as an abuse the consecration of those 'who have once gloried in wearing the belt of a secular office' or 'have exulted in secular pomp or have chosen to serve in affairs of state and undertaken the care of worldly matters'. Pope Innocent specifically forbade the ordination or consecration of those who had held *administrationes*. A century later Caesarius of Arles asked Pope Symmachus to renew the ban against former provincial governors. The known instances of such men becoming bishops are not very numerous even in the fifth and sixth centuries. In Gaul Germanus was elected to the see of Autissiodurum by acclamation after having served as provincial governor, and Sidonius Apollinaris, an ex-prefect of the city, was chosen bishop of the Civitas Arvernorum. In the East Chrysanthus, a former vicar of Britain, was made the Novatian bishop of Constantinople, and Thalassius, a former praetorian prefect of Illyricum who was expected to be promoted to the prefecture of the East, was consecrated bishop of Caesarea by Proclus. In the sixth century Ephraem, *comes Orientis*, was elected patriarch of Antioch. These cases all excited comment, and it is to be inferred that it always remained unusual for senators to take orders, even to occupy the great sees.<sup>135</sup>

The great majority of the higher clergy, the urban deacons and priests and the bishops, were drawn from the middle classes,

professional men, officials, and above all *curiales*. This was only natural. For these grades a fairly high standard of education was desirable, and literacy essential—the latter ideal seems to have been generally achieved, for we never find a bishop, or the priest or deacon who deputed for him at a council, who could not write his subscription, though some from Mesopotamia could do so only in Syriac. This qualification ruled out most of the lower classes. On the other hand the higher branches of the clerical career offered social and financial advantages which, if negligible to a senator, were attractive to a man of the middle classes.

We hear of few doctors or professors who took orders except for Aetius and Augustine, both somewhat exceptional cases. We know of only one military officer: Mamertinus, the tribune at Favianae in Raetia, whom Severinus inspired into military activity against the barbarian raiders, later became a bishop, presumably when his unit melted away and the province was abandoned. Lawyers on the other hand are frequently mentioned. The Council of Sardica ruled that if a rich man or a practising barrister were thought worthy of a bishopric, he should first serve as reader, deacon and priest for a reasonable time. Pope Innocent's high principles excluded them. 'How many have we learned have been summoned to the episcopacy from those who after receiving the grace of baptism have occupied themselves with practice at the bar and have obstinately persisted in this course?' he wrote to the bishops of Spain. 'Rufinus and Gregory are said to be of that number.' He banned the ordination of those who had after baptism conducted cases in the courts, but his was a lone voice. Apart from Ambrose and Germanus, who had both practised at the bar before obtaining provincial governorships, Augustine's friend Alypius had been three times assessor before he became bishop of Tagaste. Severus of Antioch read for the bar, but did not actually practise; but his biographer Zacharias, bishop of Mitylene, had been a lawyer; and Severus speaks of four lawyers whom he ordained.<sup>136</sup>

Officials met with the disapproval of several popes and councils. Siricius forbade the ordination of anyone who after baptism had held an official post. The Council of Toledo in 401 ruled that anyone who had served after baptism and worn the cloak and belt of the official, even if he had committed no grave sins, should if admitted to the clergy be excluded from the diaconate or higher orders. Pope Innocent protested to the Spanish bishops against the consecration of officials 'who in obedience to the authorities have perforce executed cruel judgments'. Caesarius of Arles asked Pope Symmachus to forbid the ordination of those who had served in provincial offices.<sup>137</sup>

The state was also concerned in this matter. There was probably little objection to higher grade officials taking orders; they were expressly allowed to do so by a law of 466 after completing their term of service. We have already met two palatine civil servants who took orders at or near the end of their careers, Euthalius the *ex-memorialis* who became a priest at Cyrrhus, and Theodore, the *agens in rebus*, who after over twenty years' service (which entitled him to retire with an honorary principate) was ordained deacon of Alexandria.<sup>138</sup>

With *cohortales*, whose service was followed by the financial charge of the primipilate and who were bound to their position by a hereditary tie, the government was more severe. By a law of 361 they might take orders if not liable to the primipilate or similar obligations, or owing anything to the treasury, provided that they received the permission of their chief and colleagues; if they failed to obtain permission, two-thirds of their property passed to their sons or relations, or in default of them to the *officium*. The law of 466 altogether prohibited *cohortales* to take orders even after retirement. Justinian in 531 excluded all *cohortales* from the priesthood—in 546 from the minor orders also—unless they had in childhood entered a monastery, or, by the later law, had been monks for at least fifteen years. He thus in effect allowed only sons of provincial officials to be ordained, and that after they had given clear proof of their vocation. On officials who had actually seen service he held the same views as Pope Innocent. 'It would be improper for a man who has been bred up in severe exactions and the sins that—in all probability—ensue to be at one moment a *cohortalis* and do the harshest things and then be straight away ordained a priest and teach about loving kindness and forgiveness.'<sup>139</sup>

These rules were not rigidly kept; in both his laws Justinian condoned past breaches, and we know of a *cohortalis* who a year or two before the first law became a bishop: Stephen, elected to the see of Larissa in full legal form, chosen by the metropolitan from three candidates submitted by the clergy and people, states in an appeal to Pope Boniface II: 'In my previous secular life I was a provincial official; in this modest career I passed my life humbly.' At the end of the sixth century officials who had not cleared their accounts with the treasury were still taking holy orders, and Maurice had to issue a law once again forbidding these attempts to evade a reckoning.<sup>140</sup>

To judge by the bulk of the imperial legislation on the subject the great majority of the clergy were drawn from the curial order. Men of this class had from the worldly point of view a special

incentive in the immunity from curial duties and charges which Constantine in the first ardour of his conversion granted to the clergy. This grant was never withdrawn, but the government strove to counter its deleterious effect on the city councils either by banning the ordination of men of curial family or of fortune up to curial standard, or alternatively by compelling a curial ordinand to surrender his property (or at least two-thirds of it) to a son or other relation who would take his place on the council, or to the council itself. Constantine himself initiated the first policy, his son Constantius II towards the end of his reign introduced the second. In 398 Arcadius tried to revive the absolute ban on the ordination of *curiales* in the East, but evidently without much success, and Valentinian III and Majorian made the same attempt in the West in 439 and in 452, and again in 458: these laws were more severe on clerics in minor orders, who were to be returned to their councils without the option, whereas bishops, priests and deacons who slipped through the net were only compelled to surrender their property or perform their curial duties by deputy. Finally Justinian banned the ordination of *curiales* unless they had, like *cohortales*, either entered a monastery in childhood, or been monks for at least fifteen years.<sup>141</sup>

The laws themselves, which at frequent intervals condoned past breaches wholesale, especially when the offenders had reached the higher orders, and sometimes even made provision for future cases in which the ban should be broken, amply demonstrate that *curiales* despite all the efforts of the imperial government did take orders in large numbers, and frequently managed to keep their property when they did so, at least in the fourth and fifth centuries: by the sixth century the curial order had probably become so depleted that the flow of ordinands from it was much reduced and its members were on the whole humble folk, who found it more difficult to defy or evade the law.

The ecclesiastical authorities at first disliked the imperial legislation, but gradually came to acquiesce in it. Ambrose in 384 complained bitterly that 'if a bishop seeks the privilege of laying aside the curial burden, he has to surrender possession of all the property of his father and grandfather', and in 388-9 protested to Theodosius that 'those who have performed the office of priest or served the church for thirty or any number of years are being dragged away from their sacred office and assigned to the *curia*': it was perhaps in deference to this protest that Theodosius in 390 allowed all *curiales* ordained in or before 388 to keep their property.<sup>142</sup>

Pope Innocent found religious objections to the ordination of *curiales*. To the Spanish bishops he proclaimed that men 'who in

obedience to the authorities have executed the orders given to them' and 'have exhibited theatrical shows and games to the people' were unworthy to be bishops. But he added: 'with regard to *curiales* we have to beware lest the same men who have been *curiales* may one day be claimed by their *curiae*—which we frequently see happening'. To Victricius of Rotomagus he took the same equivocal line. 'Moreover some of our brothers often try to ordain *curiales* or those involved in public functions. But later they suffer more sorrow, when some order is made by the emperor to recall them, than they had joy in enlisting them. For it is manifest that in the actual course of their public duties they produce theatrical shows, which are without doubt inventions of the devil, and either preside or are concerned in the exhibition of games.' To Felix of Nuceria he was franker. 'About *curiales* it stands to reason that, although some are to be found of that class who ought to be ordained, still we must beware of them because they are so often reclaimed for the council.'<sup>143</sup>

Justinian endeavoured to justify the ban on moral grounds: like *cohortales*, *curiales* were unsuited by their official duties from preaching the gospel of loving kindness. Later popes accepted the ban on practical grounds. Gelasius in his directions to his bishops forbade them to ordain a *curialis*, and so also did Gregory the Great, 'lest after receiving holy orders he may be compelled to return to his public functions'.<sup>144</sup>

The emperor Constans hoped that the clergy would become a hereditary class, like soldiers, officials or shippers, their sons, as inheriting their father's immunities, carrying on their sacred duties. 'All the clergy ought to be free from curial burdens and all trouble about civic duties, but their sons, if they are not held liable to the *curia*, ought to persevere in the church.' This hope was not fulfilled. There were of course great clerical families which produced bishops over several generations, and no doubt lesser clerical families which produced a succession of priests and deacons. But the clergy never became a caste. Most of the clerics of whom we know either had themselves previously followed a lay career or were the sons of laymen. And we know of sons of clergy who took up a secular career, or at least were trained for it. Chrysanthus, the son of Marcian, a Novatian bishop of Constantinople, became consular of an Italian province and vicar of Britain. The grandfather of Severus, bishop of Antioch, was bishop of Sozopolis, but his father was a decurion.<sup>145</sup>

The rules of clerical celibacy or continence may have had some effect, in areas where they were inculcated or observed, in preventing the clergy from becoming a hereditary caste. It was an

old and universal tradition of the church that a man might not marry after ordination to the diaconate, priesthood or episcopate. The Council of Ancyra, shortly after the Great Persecution, allowed deacons to marry if they stated their intention to do so on ordination. Later the law was extended to subdeacons, and only the minor orders, from reader downward, could marry. There was, however, no ban against the ordination of married men or of widowers, and, as a fair number of the clergy took orders late in life, many of them already had children before ordination.<sup>146</sup>

On the sexual life of the married clergy there was a great divergence of opinion. There was a school of thought which held that they ought not to cohabit with their wives. This view was much more strongly held in the West than in the East. Even before the Great Persecution the Council of Illiberis in Spain ordered all the clergy to abstain from their wives, and threatened those who begot children with deprivation. In the East Eusebius advocated continence for priests, but the Council of Nicaea rejected a proposal to enforce it on the clergy, and the Council of Gangra excommunicated laymen who refused to receive communion from a married priest.<sup>147</sup>

In the West it was Pope Siricius (385-99) who first endeavoured to make continence obligatory on bishops, priests and deacons throughout the church. This policy was steadily maintained by his successors, and Leo brought subdeacons within the ban. The lead given by the popes was taken up by episcopal councils in Africa, Spain and Gaul, and by the early fifth century the rule of clerical continence was universally acknowledged in theory throughout the West. Its frequent re-enactment shows that in practice it was difficult to enforce.<sup>148</sup>

In the East Jerome alleged that the churches of the Orient (i.e. the diocese of that name) and Egypt, like those under the Apostolic See, had continent clergy. At about the same date Epiphanius of Cyprus declared that the church did not allow bishops, priests, deacons or even subdeacons to procreate children; but he admitted that the rule was not observed in some areas. In fact both these authors seem to have been guilty of wishful thinking. No Eastern council enjoined continence on the clergy, and the Canons of the Apostles, which reflect contemporary Eastern practice, actually rule that bishops, priests and deacons who put away their wives on the pretext of piety are to be deprived. A bishop might, presumably with her consent, undertake to abstain from intercourse with his wife: it was one of the charges against Antoninus of Ephesus that having done so he had begotten children. In some areas pressure was brought on bishops to

make such undertakings: Synesius refused to do so. But according to Socrates it was in his day, the middle of the fifth century, the general rule in the East that even bishops might live a normal married life, and many did beget children. The only exception which he notes was that in Macedonia, Thessaly and Achaëa the custom had prevailed of depriving clergy who slept with their wives. He attributes this custom to the influence of Heliodorus, bishop of Tricca in Thessaly: it seems more likely that it was introduced by the popes through their vicars.<sup>149</sup>

Later opinion seems to have hardened about bishops. Justinian forbade the consecration of a man who had a wife living. But he also forbade even a widower who had children or grandchildren to be consecrated and his reasons were prudential. As he put it, a bishop ought to have no other interests to distract him from his duty to his church. Pope Pelagius, when asked to consecrate a married man with children as bishop of Syracuse, interpreted the intention of the law more crudely: he insisted on receiving a bond from the candidate that he would not alienate to his family the lands of the church, or any property he might acquire after consecration.<sup>150</sup>

A general history of the eremitical and monastic movements would lie outside the scope of this book: here only their social and economic aspects can be briefly considered. The founder of the movement was the Egyptian Antony, who retired into the desert in the 270s and during the Great Persecution, about 305-6, organised the numerous disciples who had followed him into a loosely knit community. Such groups of hermits, who lived in separate cells and met only for common worship, were later known as *laurae*. About twenty years later another Egyptian, Pachomius, founded the first *coenobium*, where the monks led a communal life under strict discipline. Both forms of monasticism caught on rapidly in Egypt, and the movement soon spread to Palestine, where the hermit Hilarion organised a *laura* near Gaza in about 330, and a few years later Epiphanius founded another near Eleutheropolis: by the middle years of the century Cyril, bishop of Jerusalem, spoke of 'the regiments of monks'. Rather later, in the latter years of Constantius II, the movement spread to Syria.<sup>151</sup>

In Cappadocia, Armenia and Pontus the monastic life was introduced by Eustathius of Sebaste and popularised by Basil of Caesarea in the 350s and 360s. Further west progress was slower.

One Isaac came from the East to Constantinople in the last years of Valens, and founded a monastery near the city in the early 380s, and an Armenian ex-soldier named John founded another house in Thrace in 386. But when Rufinus, praetorian prefect of the East (392-5), wanted to establish a monastery at Drys in the suburbs of Constantinople, he imported Egyptian monks. On his death they went back to Egypt, and Hypatius, a disciple of John, found the building deserted in 406. Hypatius however soon collected thirty monks, and many other houses were founded about this time.<sup>152</sup>

Athanasius introduced the monastic idea to Gaul and Italy during his exile in the West, but it was slow in catching on. Martin founded the first regular monastery in the West when he became bishop of Tours in 372, and we hear of no others in Gaul until Honoratus established the famous house of Lerins and Cassian two houses at Marseilles in the second decade of the fifth century. In Italy the earliest monastic establishment of which we hear was that which existed under Ambrose's guidance at Milan in the 380s. Augustine seems to have been the first to introduce the monastic life into Africa. But though it made a slow start in the West, by the beginning of the fifth century it had taken root, and thereafter spread rapidly.<sup>153</sup>

These movements had an enormous vogue and many thousands of men became hermits or monks and many thousands of women nuns. No estimate can be made of the total at any date and many of the figures given are no doubt exaggerations, but it may be worth while to quote a few by way of example. The largest figures given are for Egypt, which was not only the home of both the eremitical and monastic movements, but remained their centre and the model to which the rest of the empire looked. Pachomius' original foundation is said to have grown to 1,300 or 1,400, and he also founded other smaller houses of 200 or 300 each. The total inmates of the whole group are stated to have numbered 3,000 before Pachomius' death in 346 and as many as 7,000 at the beginning of the fifth century. Nitria, a favourite haunt of hermits in the desert west of the Delta, is said to have had a population of 5,000, and the four *laurae* of Scetis, a more remote desert settlement, 3,500 inmates. Palladius states that there were 2,000 monks in his day at Alexandria and 1,200 in and about Antinoopolis, as well as twelve convents of women, one of which had sixty inmates. Rufinus declares that there were 5,000 monks in Oxyrhynchus, and another 5,000 in its territory, as well as 20,000 nuns, and 10,000 monks in the Arsinoite; but his figures are very suspect. We hear of some very large monastic houses, one of 800 near the



Red Sea, another of 600 at Thecoa in Palestine. John of Ephesus mentions houses in Mesopotamia of 700 or 750, and one of nearly 1,000 at Amida; but this was formed by amalgamating a number of small houses. Most monasteries were smaller, but the number of houses in a city and its territory might be very large. The signatures to a petition from the monks of Constantinople show 85 monasteries in that city in 518, and 39 across the water in Chalcedon.<sup>154</sup>

Hermits, monks and nuns were drawn indiscriminately from all classes of society from the highest to the lowest, and very little attempt was made by the imperial government to restrict entry into the monastic life. Marcian asked the Council of Chalcedon to forbid the admission of slaves or *adscripticii* to monasteries without their masters' consent. The council issued a canon banning slaves, but took no action about *adscripticii*. Two years later in the West Valentinian III prohibited both classes from becoming monks without their masters' leave, and in 484 Zeno enacted the same rule in the East. Justinian ordered that all applicants of suspect status must pass a three years' probation, and might be reclaimed during that period by their masters. Maurice forbade officials who had not cleared their accounts with the treasury and common soldiers who had not received their discharge to enter monasteries. This seemingly reasonable measure provoked Gregory the Great to the most violent indignation.<sup>155</sup>

It was from the beginning the tradition in Egypt that hermits and monks maintained themselves by the labour of their hands. Many of the hermits wove rush mats, coming down periodically from the desert to the cultivated areas to gather their raw material and to sell their finished products; they also did seasonal agricultural work. Nitria and Scetis were hives of industry, and everyone was expected to work. The Pachomian monasteries were highly organised industrial and agricultural concerns. The monks worked in gangs under foremen at a great variety of trades, as smiths, carpenters, tailors, fullers, tanners, shoemakers, basketmakers, copyists, as well as at agricultural work. The surplus products were sold in the market, and the money devoted to charity.<sup>156</sup>

Even in Egypt hermits and monks received much by way of offerings in kind from the admiring faithful, and monasteries gradually acquired endowments in land and house property by gift and bequest. In Syria it was apparently still customary for hermits and monks to work for their living in the late fourth century, but by the fifth they subsisted almost entirely on charity or on unearned income. Theodoret records as remarkable the régime instituted by Theodosius of Antioch in his monastery near Rhosus. He preached the gospel of work, arguing that monks

ought not to be dependent on charity when laymen not only supported their wives and children but paid their taxes and additional levies, and gave their firstfruits to God and alms to beggars. His monks not only cultivated the soil, but wove baskets, mats and sails and dressed hides: he built a little jetty to enable shippers to put in and buy his products.<sup>157</sup>

When Hypatius founded a monastery near Chalcedon in the first decade of the fifth century he maintained the tradition of work. There were not only a steward, a porter, a guestmaster, an infirmarian, a washerman, a man to mend the clothes, another to mind the animals, and a calligrapher to copy books: the monks also worked in the garden and the vineyard and wove hair fabrics, and took weekly turns to do the housework. By the fifth century, however, such industry was exceptional in the East. In the West it seems to have been unknown. John Cassian regretfully contrasts the huge monasteries of Egypt with their thousands of industrious and disciplined monks with the houses of his native Gaul where, because they expected to live on endowments, the monks were few and led idle and irregular lives. An early sixth century Gallic council even forbade abbots to alienate the community's slaves, in case the monks should be compelled to work their land themselves. By this time monasteries both in the East and the West seem normally to have been endowed, and Benedict's renewed insistence on work as well as prayer was a very needful reform.<sup>158</sup>

The eremitic and monastic movements were in some sense a rebellion against the constituted authorities of the church. Monks and hermits set out to live a more strictly Christian life than was possible for the ordinary layman, or for that matter for the ordinary cleric, and as holy men they sometimes thought that they knew better than worldly bishops and were reluctant to submit to their authority. These feelings were generally shared by the laity, which had immense respect for their austere and ascetic lives and revered their theological opinions. In doctrinal controversies the bishops who could rally the monks had formidable armies of shock troops at their disposal, and even the imperial government, when it was backing a party which did not command monastic support, found itself in grave difficulties. The emperor Valens had to take very drastic measures against the Egyptian monks, who demonstrated against the Arian bishops whom he favoured: he condemned large numbers to the mines and quarries, deporting them to distant provinces. After the Council of Chalcedon the monks of Palestine raised a regular rebellion against Juvenal, the bishop of Jerusalem, who had changed sides when he saw which way the wind was blowing; troops had to be used to restore order

and expel the monophysite bishops whom the monks had installed.<sup>159</sup>

Monks, even if laymen, as they commonly were, were of course subject to normal episcopal jurisdiction and, if they were ordained, came under the closer control of their bishop. There was, however, a conflict of loyalties, to their abbot and to their bishop, and the influence of the former was normally stronger. The emperor Marcian asked the Council of Chalcedon to decree that no one should be permitted to found a monastery without episcopal licence, and that monks should be subject to episcopal authority, and should stay in their monasteries and not cause commotions. The assembled bishops decreed accordingly, no doubt with hearty goodwill. In the West the Councils of Agathe and Orleans and Carthage enacted similar rules in the early sixth century. The third Council of Arles, however, in 455 made a special concession to the famous monastery of Lerins, that the bishop should have authority only over priests and not over lay monks. Caesarius of Arles also secured immunity from episcopal control for the nunnery which he founded. Justinian legislated in great detail on monasteries. Convents of monks and nuns were to be rigorously separated. Monks were to eat together in a common refectory and sleep in a common dormitory. Abbots were to be chosen not by seniority but by merit, and the choice of the community was to be subject to the bishop's approval.<sup>160</sup>

Economically the church was an additional burden, which steadily increased in weight, on the limited resources of the empire. The huge army of clergy and monks were for the most part idle mouths, living upon offerings, endowments and state subsidies. This was something new. In Egypt there had been a full-time professional priesthood of considerable numbers, but Egypt was unique in this. Elsewhere, with a few exceptions of minor importance, pagan priesthoods were part-time offices, generally unremunerated, held by ordinary citizens. The Egyptian temples had possessed large endowments in land, but here again Egypt was exceptional. Some other temples had possessed considerable estates, notably that of Artemis at Ephesus and some others in Asia Minor, but in general the sacred lands of the pagan gods were exiguous, and served only to maintain the fabric of their shrines. Certainly the old gods had never owned a tithe of the vast mass of properties, great and small, whose rents went to support the churches, charitable institutions and monasteries.

A proportion of these rents went to socially useful purposes. Through its almshouses, orphanages, widows' homes and hospitals the churches provided for unfortunates for whom the state did little. But it was only a quarter of the income of each see which went to these purposes, even according to the rules laid down by the popes, and against the specially endowed charitable institutions must be set the far more numerous separate endowments of the monasteries and parochial churches. A good half of the revenues of the churches must have gone to paying the bishops and clergy, and the sum so expended was very considerable. No exact calculations are possible, but by the sixth century, if metropolitans of provinces were, as the figures cited above suggest, paid on the scale of vicars of dioceses, and every city had a bishop, who received on the average the salary of a provincial governor, the episcopate must have cost the empire far more than the administration: while, if the figures we have for the numbers of the lower clergy are at all typical, they must have far outnumbered the civil service. Leaving monks out of account, the staffing of the church absorbed far more manpower than did the secular administration and the church's salary bill was far heavier than that of the empire.

The fluctuating relations between the emperors and the church have already been traced in the first half of this book. The pre-suppositions on which these relations were based underwent little change. Constantine assumed that, as his pagan predecessors had been responsible for maintaining the *pax deorum*, so it was his duty to ensure that the *summa divinitas* was not 'moved to wrath, not only against the human race, but also against me myself, to whose care he has by his celestial will committed the government of all earthly things'. What chiefly angered the *summa divinitas* was discord in his church, and Constantine therefore had no hesitation in suppressing it. He took expert advice, summoning councils of bishops to decide on the controversies at issue, but he himself took action, expelling from their sees and sending into exile recalcitrant bishops and suppressing dissident sects.<sup>161</sup>

Some emperors were less convinced of the supreme importance of maintaining God's favour, and less conscientious in enforcing the measures requisite for that purpose; some had hesitations as to what beliefs were pleasing to God. But none questioned the basic axiom that victory over the barbarians and the prosperity of the empire were dependent on God's favour, and that it was the emperor's duty to see that he was conciliated. It remained moreover a constant belief that uniformity in doctrine was the prime condition of God's favour. Justinian indeed, in the belief 'that the purity and discipline of priests and their zeal towards our

Lord God Jesus Christ and the continual prayers which they send up to him, give great favour and increase to our empire, whereby we are enabled to conquer the barbarians and gain possession of lands which we formerly did not hold', forbade the clergy to play dice. But the main task of the imperial government was always to suppress heresy and schism.<sup>162</sup>

These beliefs were in principle shared by the leaders of the church. As Nestorius declared when he became bishop of Constantinople: 'Give me the earth purified of heretics, your majesty, and I will give you heaven in return. Subdue the heretics with me, and I will subdue the Persians with you.' That uniformity of doctrine was desirable and that the state ought to suppress dissidents was rarely questioned save by those who were for the time being the victims of repression. Martin protested strongly—and with success—against Maximus when he proposed to use military force against the Priscillianists. Augustine at first wished to win over the Donatists by persuasion, but he soon convinced himself of the necessity of penal laws against them. Socrates expressed disapproval of Nestorius' bigotry. Procopius sympathised with the victims of Justinian's penal legislation. These seem to be the only disinterested voices raised against persecution. The Donatists originally appealed to Constantine to settle their quarrel with the Catholics: it was only when the verdict went finally against them that they evolved the doctrine that the church ought to be independent of the state; 'what has the emperor to do with the church?' Athanasius, Hilary and the homoousian party in the West enunciated a similar doctrine and put forward pleas for religious liberty, when Constantius II was lending his support to their adversaries. They had raised no protest when Constantine had ejected their rivals, and they said nothing about religious freedom when Gratian and Theodosius I banned all beliefs but their own.<sup>163</sup>

Pope Gelasius in reply to Anastasius' demands enunciated the famous doctrine of the two powers: in secular affairs bishops should obey the emperor, in sacred matters the emperors must submit to the judgment of bishops. It is probable that in the abstract all emperors would have subscribed to this formula: Constantius II, it is true, is alleged by Athanasius to have declared, 'what I wish must be regarded as a canon', but if he ever made such a remark it must have been in a moment of pique. But if the principle was admitted, it was a delicate question how the emperor should elicit the judgment of bishops, and how far he could go in interpreting it.<sup>164</sup>

Constantine first referred the Donatist issue to a hand-picked

council of bishops, but acquiesced in Miltiades' enlarging the council. On an appeal he summoned a second council, larger but apparently of his own choice, and on a second appeal he judged the issue himself. The Arian controversy he referred to a general council over which he himself presided, and the case of Athanasius to a hand-picked council presided over by an imperial commissioner. He himself pronounced on Athanasius' appeal from this council. Such a technique, whereby the emperor chose the bishops who were to make the decision, and through a lay president guided their discussions, obviously could give the imperial government a considerable *de facto* influence on ecclesiastical decisions. It was freely used by Constantius II and by subsequent emperors.

The practical application of the formula was most difficult in periods when the church was profoundly divided on some doctrinal issue. In such circumstances there was no means of ascertaining what was the judgment of the church. The claim of the popes to define doctrine was not generally accepted, and even general councils did not prove, as Constantine had hoped, infallible. The Council of Ephesus in 449 and the Council of Chalcedon in 451 issued diametrically opposite verdicts, and each was held in abhorrence by a large body of bishops. In such cases the emperors, unless they abdicated their duty of enforcing the true faith, were bound to take a line of their own. In such circumstances they were naturally often swayed by their personal theological beliefs or the opinions of bishops who had their ear, and sometimes by political considerations—the desire to effect a compromise which would bring peace and quiet, or to rally to their support important bodies of malcontents.

It is clear that the formula of Nicaea was regarded as heretical by a large body of opinion in the East. Constantius II himself shared this view, but in reopening the question and getting the church to work out a new formula he was fulfilling the desires of a large and vocal group of bishops. The new formula was solemnly ratified by the Councils of Ariminum, Seleucia and Constantinople, which—if their verdicts had been approved by posterity—would be reckoned as ecumenical. Valens did his imperial duty by enforcing them; Valentinian was highly exceptional in refusing to take sides. Theodosius I, in defiance of the verdict of Ariminum and Seleucia, enacted that all his subjects must accept the doctrines preached by Damasus of Rome and Peter of Alexandria. The Council of Constantinople subsequently confirmed his decision, but he appears to have been guided by his personal convictions, fortified by the advice of Acholius, bishop of Thessalonica, by whom he had recently been baptised.

In the troubled period which followed the Council of Chalcedon, when ecclesiastical opinion was very evenly divided in the East, the decision of doctrinal disputes by imperial edict became increasingly common. Basiliscus rejected Chalcedon outright, Zeno implicitly rejected it in the Henoticon, and Anastasius maintained the Henoticon. Justinian pronounced in favour of Chalcedon, but implicitly corrected its decisions by condemning the Three Chapters. In all these cases the emperors took the initiative, declaring what they considered to be the correct view, and endeavouring to obtain the assent of the principal bishops afterwards; Justinian eventually called a general council to ratify his condemnation of the Three Chapters. Basiliscus and Zeno seem to have been mainly swayed by political considerations in making their choice. Anastasius had strong theological views of his own. Justinian's motives seem to have been mixed: on the one hand he firmly believed that his victories were God's reward to him for suppressing heresy, on the other he laboured to produce a formula which would satisfy both the West, which was to a man Chalcedonian, and Egypt, which was as unanimously monophysite, and being a keen amateur theologian he thought that he could himself find a doctrine pleasing to God and to both parties.

In the judgment of the church the emperors have been praised or blamed according as they supported or opposed the party which was ultimately victorious. But, since they were not endowed with the gift of prophecy, they could not foresee whether they would be remembered as oppressors of the church, or as champions of orthodoxy.

## CHAPTER XXIII

### RELIGION AND MORALS

**D**ESPITE persistent discouragement paganism took a long time to die. Constantine in the last decade of his reign confiscated the treasures and endowments of the temples, and probably banned sacrifice. Under his sons sacrifices were certainly prohibited, and many temples were demolished. With the accession of Julian the hopes of the pagans rose, only to be dashed by his death less than two years later. Julian's reign did, however, bear some fruit, in that pagan cult was tolerated by his successors until in 391 Theodosius I issued the first of a series of laws which progressively banned not only sacrifice but all pagan ceremonies. The temples were closed and many of them demolished.<sup>1</sup>

Pagan worship was never thereafter legal, but the laws were laxly enforced and from time to time had to be re-enacted. In 407, in response to representations by the catholic bishops of Africa, Honorius issued a constitution which should by this date have been hardly necessary, confiscating the endowments of temples and ordering cult images to be removed and altars demolished. In 415 he reiterated this law, and extended it to other dioceses. In the East the penalties against the pagan cult were re-enacted by Theodosius II in 423 and 435, by Marcian in 451, by Leo in 472, and by Anastasius, who even at this late date had to prohibit bequests for the maintenance of pagan rites.<sup>2</sup>

During the fourth century pagans suffered no disabilities provided that they refrained from the exercise of their cult. Honorius debarred them from any *militia* or *dignitas*, but in 409 was forced to revoke the ban by a strongminded German general, Generid, who refused otherwise to take up the command to which he had been appointed. Seven years later Theodosius II imposed the same ban on the East. In 468 Leo, by a law which confined admission to the bar to orthodox Christians, excluded pagans from the legal profession. Finally Justinian prohibited them from holding chairs as professors, and subjected them to



the same legal disabilities as he imposed upon Jews and heretics—incapacity to make wills, to receive inheritances or bequests, or to testify in court. In 529 he even ordered all pagans to accept baptism under penalty of confiscation and exile.<sup>3</sup>

This legislation is enough to prove that there were still in the sixth century a considerable number of pagans in the Eastern parts. But we have other and more circumstantial evidence. John of Ephesus was appointed in 542 official missionary to the pagans in the provinces of Asia, Caria, Lydia and Phrygia. He tells us that with a staff of priests and deacons he laboured for several years, demolishing temples, destroying altars and cutting down sacred trees. He baptised 80,000 persons, and built for them 98 churches and 12 monasteries. Even in this district, in the heart of the empire, the cult of the heathen gods was being overtly carried on in Justinian's reign on so wide a scale. A generation later Heliopolis in Phoenicia was still a predominantly pagan city, where the Christians were a poor and oppressed minority. Tiberius Constantine instituted a severe persecution there in 578, in the course of which it was revealed that pagan rites were secretly celebrated in many cities, including Antioch and Edessa; in the latter town a group of prominent persons, including the governor of the province, were caught red-handed holding a sacrifice to Zeus. In some places paganism survived the Arab conquest. In 830 the people of Carrhae, a city always notorious for its devotion to the old gods, were threatened with massacre by the Caliph unless they abandoned their religion for Islam or one of the tolerated faiths and only saved themselves by professing themselves to be Sabians. To this day the heretical sect of the Nusairi in the mountains between the upper Orontes and the sea profess doctrines which clearly derive from the Neo-Platonic paganism of the later empire.<sup>4</sup>

In the West also overt pagan cult survived into the sixth and seventh centuries. In Italy itself Pope Gregory ordered the bishop of Tarracina to suppress, if necessary with the aid of the local *vicecomes*, the worship of sacred trees. In Sicily the bishop of Tyndaris reported to him that he was unable to stop pagan worship since it enjoyed the protection of the notables. In Sardinia Gregory had to undertake a missionary campaign against the pagans, who paid a regular *douceur* to the governor to turn a blind eye on their cult. From Spain we have a tract of Martin of Bracara, written about 575, denouncing the heathen practices of the rural population: they seem harmless enough, burning candles and making offerings to trees and springs and rocks, holding feasts on pagan festivals such as New Year's Day, and keeping Thursday, the day of Jupiter, as a holiday instead of Sunday. A few years later

the third Council of Toledo in 589 declared that 'the sacrilege of idolatry is rooted in almost the whole of Spain and Gaul' and ordered bishops with the aid of the civil governors to take active steps against it. In Gaul a series of councils, in 533, 541, 567, 585 and 625, denounced pagan practices such as the worship of trees and fountains. Gallus, the uncle of Gregory of Tours, demolished a temple near Cologne, where offerings were still regularly made, and Gregory spoke with a hermit who had overturned and destroyed an image of Diana near Trier which was still being worshipped.<sup>5</sup>

Paganism was not so much a religion as a loosely-knit amalgam of cults, myths and philosophical beliefs of varying origins and even more varying levels of culture. A certain superficial unity was given to it by the identification, often on very slender grounds, of local gods and goddesses with those of the Greco-Roman pantheon: there was some reciprocal borrowing of myths, cult practices, symbols and forms of representation. But its main strength lay in the fact that it incorporated everywhere ancient cults, hallowed by tradition and fortified by local loyalty. At the same time it had something to offer to all sorts and conditions of men. For countrymen there were rites and ceremonies to promote fertility and to avert pests. For those who craved for communion with the divine and an assurance of a future felicity there were the mystery cults of Isis, Mithras or the Great Mother. To intellectuals paganism was a somewhat misty pantheism, in which the multifarious gods were aspects or emanations of the divine Unity, and their myths and cults allegories and symbols of an esoteric truth hidden from the vulgar.

The old gods made their strongest appeal to two very different strata of society, the most aristocratic and cultivated classes on the one hand, and the peasantry on the other. The old senatorial families of Rome remained predominantly pagan down to the early fifth century. Their sentiments are eloquently expressed in Symmachus' plea for the altar of victory. In their minds the traditional religion was intimately linked with pride in the glorious history of Rome: 'this worship made the world subject to my laws,' pleads the ancient city to the young emperor, 'these rites repelled Hannibal from my walls and the Gauls from the Capitol'. For the cultured classes throughout the empire, whose minds were steeped from childhood in the study of the ancient poets, orators and philosophers, paganism was associated with the great heritage of classical literature and learning which they so highly prized. The teaching profession in particular long remained predominantly pagan. Down to the early fifth century most of

the great rhetors and philosophers, Libanius, Himerius, Themistius, Hypatia, clung to the old religion. Zacharias of Mytilene gives a vivid picture of university life at Alexandria at the end of the fifth century. Several of the professors and a considerable number of the students were pagans, and frequented a secret temple at Menuthis nearby, a building covered with hieroglyphs and housing a huge assortment of idols of dogs, cats, and monkeys in wood, bronze and stone. At Berytus, too, where Zacharias went on to study law, a number of the students practised magical rites in secret. At Athens the professors remained pagans until Justinian's law deprived them of their chairs.<sup>6</sup>

In the West the upper classes seem to have abandoned the old religion by the latter part of the fifth century. In the East even after Justinian's penal legislation many of the aristocracy, while outwardly conforming, not only retained their old beliefs but continued to celebrate the cult in secret. In 529 many persons of high station, including Thomas the quaestor, Asclepiodotus, a former prefect, and Phocas, a patrician, were denounced and convicted. At a second purge in 546 many senators, grammarians, sophists, lawyers and doctors were punished. In 578 under Tiberius Constantine there was another round-up of pagans in high places, arising out of the incident at Edessa mentioned above.<sup>7</sup>

Peasants in all ages have been intensively conservative, and Christianity from its earliest days had been a predominantly urban religion, whose missionaries travelled from town to town, neglecting the intervening countryside. It is not therefore surprising that in most parts of the empire the rural population remained pagan long after the towns were mostly Christian. Martin of Tours in the last quarter of the fourth century found many flourishing village temples in his diocese and was active in destroying them. In the Alps the Anauni of the territory of Tridentum were still untouched by Christianity in the last years of the fourth century, and lynched a Cappadocian priest who ventured to build a church in one of their villages. Two generations later Maximus of Turin urged his congregation not to connive at pagan rites on their estates, where temples, altars and images still survived.<sup>8</sup>

In the East John Chrysostom similarly appealed to the great landowners of Constantinople to convert the pagan tenants of their estates, and to build churches and endow priests to serve them. In Syria hermits did much to convert the countryside in the late fourth and early fifth centuries. Theodoret tells how Abram settled in the pagan village of Libanus, and by successfully intervening on behalf of the inhabitants with the tax collectors won such popularity that the whole village was converted and built a church

and elected him their priest. Theodoret himself spoke with peasants near Gabala who had been weaned from paganism by the hermit Thalalaeus, whose prayers had expelled the local god from his temple.<sup>9</sup>

Paganism lingered yet later among the nomadic populations on the fringe of the empire. The Arab tribes of the Syrian desert began, it is true, to be converted even in the fourth century, when in Valens' reign the Saracen queen Mavia demanded as a condition of renewing her treaty with the Roman government that a local hermit of renown, named Moses, should be consecrated bishop for her tribe. The process continued in the fifth century. Aspebetus, a pagan sheikh who had migrated from the Persian zone and been appointed phylarch of the federate Saracens of Arabia, was converted with all his tribe by the hermit Euthymius, who cured his son, and another bishopric 'of the encampments' was established. But the Nobades of Nubia and the Blemmyes of the Eastern desert of Egypt remained pagans in the sixth century, enjoying by treaty the right of annually borrowing the image of Isis from the temple of Philae, until Justinian closed the temple and removed the statue to Constantinople: he later succeeded in converting the Nobades to Christianity. Justinian also closed the temple of Ammon at Augila which the nomads of Libya had hitherto frequented, and built instead a church of the Virgin. Further west the nomad Moorish tribes of Tripolitania, Africa, Numidia and Mauretania were still pagan when Justinian reconquered these regions from the Vandals. On the northern frontiers many of the East German tribes were converted in the fourth century, including the Goths and the Vandals, but the Franks on the Rhine remained pagans till the days of Clovis.<sup>10</sup>

But if broadly speaking it is true that the rural areas of the empire and its barbarian fringe longest remained pagan, there were many local exceptions. Not only were there some rural areas that were early Christianised; there were also some towns which long remained obstinately pagan. In Africa Christianity was widely diffused over the countryside as early as the third century, but the towns of Calama, Madaura and Sufes were apparently still predominantly pagan in the early fifth. Replying to a fulsome letter from the council of Madaura Augustine suggests that before invoking the aid of a bishop they might adopt the Christian faith. At Calama the populace, in defiance of the law of 407, provocatively celebrated a pagan festival, and when the local clergy tried to intervene, beat them up, killing one, and attacked the church: these disorders were connived at by the notables of the town and probably, Augustine suggests, promoted by them. At Sufes the

destruction by the Christians of an image of Hercules led to a riot in which sixty of them were killed: here again the council, according to Augustine, gave support to the pagans.<sup>11</sup>

In Mesopotamia Edessa had been converted in the early third century, but its neighbour Carrhae remained pagan till the end of Roman rule and even later. Antioch was already in Julian's reign a thoroughly Christian city; at Apamea the citizens vigorously defended their temples under Theodosius I, and the bishop had to hire gladiators to overpower them. Heliopolis is spoken of as a pagan town under Valens; it still was so, as we have seen, under Tiberius Constantine. Maiuma, the port of Gaza, was already predominantly Christian in Constantine's reign, but Gaza itself remained pagan nearly a century later; under Constantius II it had only one Christian decurion. In the reign of Arcadius the temples still functioned openly despite Theodosius I's penal laws, and it was only by obtaining a special order from Constantinople that the bishop of the tiny Christian community was able to get them demolished.<sup>12</sup>

Paganism was not a heroic faith, and could boast few martyrs. At Alexandria a devoted band, led by a philosopher, Olympius, occupied the Serapeum when it was threatened with destruction in Theodosius' reign, and stood a regular siege. At Gaza and Raphia in Palestine, at Petra and Areopolis in Arabia, and at Apamea in Syria, the pagans put up a fight for their temples at the same period, but in general the official ban on pagan worship seems to have been submissively accepted. Nevertheless passive resistance was widespread and prolonged, and pagans were prepared to pay, if not to suffer, for their faith.<sup>13</sup>

There were still some, as the severe penal legislation against apostates shows, who deserted Christianity for the old religion. The first extant law against apostates was issued by Theodosius in 381: it deprived them of the right of making wills. Two years later their disabilities were increased both by Theodosius and by Gratian. In 391 Honorius deprived them of any rank which they had inherited or earned. As late as 426 Valentinian III found it necessary to re-enact the penalties against apostates. These measures imply that the spirit of paganism was not yet crushed. Even in the reign of Zeno the pagans of the East still cherished hopes that the old gods would come into their own again. When Illus raised his rebellion, Zacharias of Mitylene tells us, the pagans of Caria celebrated sacrifices, encouraged by an oracle which declared that the allotted span of Christianity was terminated, and that the reign of the old gods was to be restored.<sup>14</sup>

Despite the ruthless measures taken by Hadrian during and after the great rebellion of Barcochbar a considerable Jewish population survived in Palestine. In Jerusalem and Judaea proper the Jews seem to have been completely exterminated, but Galilee, with the two cities of Tiberias and Sepphoris (or Diocaesarea), remained solidly Jewish. Epiphanius tells the interesting story of Joseph, a Jewish convert, who in the reign of Constantine endeavoured to build churches in Tiberias, Sepphoris, Nazareth and Capernaum. With imperial support he managed to convert a derelict temple of Hadrian into a church at Tiberias, and built a small church at Sepphoris, but local opposition proved too strong, and he ultimately retired to Scythopolis. There was a serious Jewish revolt in Galilee under Gallus Caesar, who as a penal measure destroyed Diocaesarea.<sup>15</sup>

A strong Samaritan community also survived in Palestine. Its centre was at Neapolis, by the national sanctuary of Shechem, but Samaritans were numerous in Caesarea and Scythopolis also. They rebelled in the reign of Marcian, and plundered and destroyed the churches of the area. A more serious revolt broke out in 529, when one Julianus, described as a brigand, was proclaimed emperor and celebrated chariot races at Neapolis: a hundred thousand people are said to have been killed in the course of its suppression. Towards the end of Justinian's reign there was yet another rebellion, whose centre was at Caesarea, in which both Jews and Samaritans joined.<sup>16</sup>

The great majority of the Jewish people, however, lived scattered throughout the empire, and beyond its boundaries in Persia and the Arab kingdoms along the Red Sea coast. There is evidence for considerable Jewish communities in many cities both of the Eastern and the Western parts. The Jews of the dispersion seem to have been mostly urban, and are frequently mentioned as traders, but there were some on the land. Libanius possessed an estate, probably near Antioch, which was cultivated by Jewish tenants, and Pope Gregory found that there were Jews among the *coloni* of the church lands in Sicily. Samaritans are less frequently mentioned outside Palestine, but a group is recorded in Upper Egypt, and Cassiodorus mentions their synagogue at Rome: Gregory also speaks of them at Catana and Syracuse in Sicily.<sup>17</sup>

The Jewish community throughout the empire was until 429, when the line died out, subject to a succession of hereditary patriarchs, who resided at Tiberias; the hereditary principle had its

disadvantages, as the patriarchate sometimes devolved on children, and some patriarchs exploited their office for their own profit, selling appointments to the highest bidder. The patriarchs nominated all the clergy of the synagogues, who are styled in the codes by a variety of titles, priests (*hiereis*), elders (*maiores, presbyteri*), heads of the synagogue (*archisynagogi*), or finally fathers (*patres*) or patriarchs (*patriarchae*). They were assisted by a body of *apostoli*, who were sent out to the provinces to inspect the synagogues and exercise disciplinary control over them, and to collect the dues, described by Epiphanius as first fruits and tithes, by the laws as crown gold, which they paid to the patriarchate. The patriarch was normally accorded high official rank by the imperial government. He is alluded to as *illustris* in laws of 392 and 396-7, and as *spectabilis* in 404. In 415 Gamaliel was deprived of the honorary prefecture which had been bestowed upon him; but this was a penalty for exceeding his powers, and he was allowed to retain the rank which he had held before the supreme honour of the prefecture was conferred.<sup>18</sup>

Jewish worship had been not only recognised but protected by the pagan empire, and this recognition and protection was on the whole maintained by the Christian emperors despite the increase in antisemitism which Christianity produced. A number of laws declare that synagogues are not to be burned or sacked, and enact that, if such incidents have occurred, the buildings are to be restored and the loot returned, unless they have been consecrated to Christian use, in which case monetary compensation is to be paid. By the early fifth century however, the erection of new synagogues had been prohibited—it was one of the charges against the patriarch Gamaliel that he had broken this rule—and this regulation was re-enacted in 423 and 438. The repair of existing synagogues was, however, expressly authorised. The Samaritans appear to have enjoyed similar toleration until Justinian in 529 demolished their synagogues, thus provoking the revolt of Julianus.<sup>19</sup>

Worship was not to be interrupted, though the Jews on their side were warned to refrain from provocative rites, such as the ceremonial burning of the cross at the feast of Aman. In the sixth century the synagogue at Tarracina was suppressed because it was adjacent to a church, and the Jewish chanting offended Christian ears, but a new site was allocated to the congregation. Even Justinian made no attempt to suppress Jewish worship, or even to regulate it, except in one particular case. There was in his day a division of opinion in the Jewish communities, some wishing the scripture to be read in Greek, as had probably been the common

practice, and others insisting on the exclusive use of Hebrew. Petitions were made to the emperor by the rival parties and Justinian, hoping that the Jews, if they listened to the scriptures in the vulgar tongue, might be convinced by the prophecies of Christ which they contained, authorised the use of Greek (or Latin when that was the normal language of the congregation) when the community concerned desired it. He recommended the Septuagint, but allowed the version of Aquila (although his translation of some key passages was less favourable to Christian interpretation). He further took the opportunity of prohibiting the teaching of the Deuterosis (probably the Talmudic commentaries) as being unscriptural.<sup>20</sup>

Synagogues were exempt from billeting, and their staffs enjoyed an immunity from curial charges similar to that accorded to the Christian clergy, if more limited; by a law of Constantine only two or three persons from each synagogue enjoyed the privilege. This immunity was withdrawn in the West in 383. In the East it was confirmed in 397, but may have been revoked two years later; it certainly no longer existed in Justinian's day. It was forbidden to take legal proceedings against Jews on the Sabbath. Religious jurisdiction over Jews was exercised by the patriarch or his deputies, who had the power of expelling disobedient members from the community: in a law of 392 provincial governors were forbidden to bring pressure on the Jewish authorities to readmit those whom they had expelled. The Jewish authorities had moreover a recognised voluntary jurisdiction in civil disputes. Disputes between Jews could be referred to them by consent of the parties, and their judgments were in such cases enforced by the imperial authorities. The patriarch Gamaliel exercised his jurisdiction even in cases between Jews and Christians; but this was another of the reasons why he was deprived of his honorary prefecture, and the practice was henceforth forbidden. The Jewish authorities also fixed prices for Jewish traders, and provincial governors were forbidden to appoint controllers for them.<sup>21</sup>

Against these privileges, which were an inheritance from the pagan empire, are to be set a growing series of disabilities. Inter-marriage between Jews and Christians was declared by Theodosius to be tantamount to adultery and subjected to the same penalties: the rule was reproduced in Justinian's Code. Constantine forbade Jews to circumcise their slaves, and declared slaves thus treated to be free. His son Constantius II made the circumcision of a slave a capital offence, and furthermore forbade Jews to buy slaves of any religion but their own. This rule was somewhat relaxed by Honorius in 415 and by Theodosius II in the East two years later.



Jews were permitted to retain Christian slaves provided that they did not interfere with their religion, and to inherit them on the same condition: the acquisition of Christian slaves by purchase or gift was still forbidden to Jews. Justinian forbade the possession of Christian slaves by Jews, freeing the slave and fining the owner 30 lb. gold.<sup>22</sup>

A letter of Julian to the Jewish community reveals that under Constantius II the Jews had been subjected to vexatious special levies (*discriptiones*). Julian forbade the practice and destroyed the records, and thereafter the Jews were not made the victims of any special fiscal extortion. Nothing is heard even of the poll tax of two *denarii* imposed by Vespasian, which probably lapsed during the third century inflation. In 399, when relations were very strained between the Eastern and Western governments, Stilicho ordered that the dues collected from the synagogues of Honorius' dominions should no longer be transmitted to the patriarch, a subject of Arcadius, but be confiscated to the imperial treasury: but this law was revoked five years later. On the lapse of the patriarchate in 429 these dues were permanently assigned to the *largitiones*. The collection in the East was enforced by the *palatini*, and any sums which came from the West were to be likewise confiscated.<sup>23</sup>

During the Principate few Jews except renegades seem to have entered the imperial service, or even to have taken any part in municipal life, save in predominantly Jewish cities like Tiberias: no doubt they feared to incur ritual pollution, or to be forced to break the sabbath—for which reason the Roman government exempted them from military service. It thus came about that Jews, since they had never served on city councils, claimed immunity from membership of the *curia* when this became a burden rather than an honour. This claim was naturally challenged by the cities, and Constantine, in response to a petition from the council of Agrippina, expressly disallowed it. Early in Honorius' reign the Jews of Apulia and Calabria appear to have made a concerted attempt to secure exemption on the basis of a constitution of Arcadius. Their claim was denied, and a year later the Eastern government also reasserted the liability of Jews to the *curia*.<sup>24</sup>

From the fourth century Jews appear to have entered municipal life and the imperial service in increasing numbers. We know of very few specific examples, it is true. At Magona in the Balearic Isles we happen to hear that in 418 a father of the synagogue, Caecilianus, was *defensor civitatis*, and the leading rabbi, Theodorus, occupied an even more prominent position, having held all the local offices, including that of *defensor*, and being now patron of

the city. Another practising Jew, Lectorius, had recently been governor of the province and obtained the rank of *comes*. Better evidence of the infiltration of Jews into public life is to be found in the legislation forbidding it. In 404 Honorius expelled Jews (and Samaritans) from the *agentes in rebus*, and in 418 from the army. By the same law he debarred them for the future from all branches of the civil service—the palatine ministries and the *agentes in rebus* are specially mentioned—while allowing those already enrolled to complete their careers. Jews were, however, expressly permitted to practise at the bar.<sup>25</sup>

The Eastern government followed suit in 438 with a severer law, debarring Jews and Samaritans from all *dignitates* and *militiae*, including even the lowly post of *defensor civitatis*; they were not, however, relieved of the onerous service of the *cohortalini*, nor yet from the *curia*. By the law of Leo, which declared that only orthodox Christians might be barristers, Jews were also excluded from the legal profession. This remained the law under Justinian, who sharpened it by adding to the list of prohibited posts that of *curator* or *pater civitatis*, and by depriving Jews and Samaritans of the meagre privileges which still attached to curial rank while holding them to its onerous obligations.<sup>26</sup>

Except for their exclusion from the public service and the bar the Jews thus incurred no serious civil disabilities until the reign of Justin. He applied to them (and to Samaritans) the same penal laws which he enacted against pagans and heretics. Like them they were debarred from making wills or receiving inheritances, from giving testimony in a court of law, or indeed from performing any legal act.<sup>27</sup>

In the relative toleration accorded to Jews down to the reign of Justinian the imperial government was undoubtedly fighting a rearguard action against the mounting pressure of public opinion. Antisemitism was widespread at least as far back as the reign of Augustus, and in places where the Jewish community was large, such as Alexandria, there were frequent explosions of popular violence. Christianity added theological animus to the general dislike of the Jews, and the numerous diatribes against them, in the form of sermons or pamphlets, which Christian leaders produced, must have fanned the flames. It is surprising, indeed, that the emperors, most of whom shared the popular view, maintained such moderation in their legal enactments: the language of Constantine, for instance, in his laws, and even more in his letter on the date of Easter, is strangely at variance with his quite restrained and fair-minded enactments. The Jewish community certainly had some influence, particularly as long as the patriarchate existed to

voice its views. There is some evidence for this in the fact that several laws which reassert Jewish privileges are addressed to the community or its official representatives, and are presumably in response to petitions and delegations. But the attitude of the emperors seems to have been mainly inspired by respect for the established law. The Jews had since the days of Caesar been guaranteed the practice of their ancestral religion and the government shrank from annulling this ancient privilege.<sup>28</sup>

The responsible heads of the church normally followed the same line. Ambrose, who by spiritual terrors bullied Theodosius I into revoking his just decision that the bishop of Callinicum should rebuild the synagogue which he had burned down, and would not even allow the emperor to compensate the Jews from the treasury, appears to have been exceptional in his bigotry. There were bishops who took the lead in anti-Jewish outrages, but generally these were due to the mob or to fanatical monks. In the sixth and early seventh centuries a number of episcopal councils in Merovingian Gaul and the Visigothic kingdom passed a series of canons about the Jews, but for the most part these merely insisted on the enforcement of the existing legal bans on Jews' holding public office or circumcising or acquiring Christian slaves: in the last case reasonable compensation was given for the loss of the slaves. The only novelties are a prohibition of chanting at Jewish funerals (alleged to be an innovation) and the confinement of Jews to their houses during Eastertide. Gregory the Great's attitude to the Jews was strictly fair. While scrupulous to enforce the laws against Jews' acquiring Christian slaves, he paid proper compensation and made allowance for the difficulties of Jewish slave dealers who were commissioned to buy Christian slaves by persons in authority. On the other hand he was insistent that synagogues must not be destroyed and that compensation must be given when this took place. And he set his face against the baptism of Jews under threats of force.<sup>29</sup>

Forcible mass baptisms had occurred sporadically as early as the beginning of the fifth century. In 418 Severus, bishop of Iammona in the Balearic Isles, encouraged by the arrival of relics of St. Stephen, marched his flock across to the neighbouring city of Magona, and, having burned down their synagogue, persuaded 540 Jews to accept baptism. But such measures first came into prominence towards the end of the sixth century in the barbarian kingdoms of the West. In 576 Avitus, bishop of Arverni, again taking advantage of the terror produced by the burning of the local synagogue, laid before the Jewish community the alternatives of baptism or exile. Five hundred submitted, the remainder

migrating to Marseilles. In 583 King Chilperic ordered the baptism of a large number of Jews at Paris. In 591 the bishops of Narbo and Arelate were reprovved by Pope Gregory for forcibly baptising the Jewish inhabitants of their cities. In Spain King Sisebut (612-20) ordered all the Jews of his kingdom to receive baptism. The first Roman emperor to enforce baptism on the Jews was Heraclius.<sup>30</sup>

The Jews and Samaritans were the only minority who reacted to persecution with active hostility. They rose in rebellion several times, and when under Phocas and Heraclius the Persians invaded Syria and Palestine they seized the opportunity to burn the churches, loot the houses of the Christians and force them to deny their faith or massacre them. They alone openly rejoiced at the calamities of the empire and welcomed its fall. We have contemporary evidence that the Jews of Palestine exulted when the Roman commander Sergius was overwhelmed and killed by the Arab invaders at the end of Heraclius' reign.<sup>31</sup>

From the earliest times there had been periodic divisions of opinion among Christians, and these conflicts had been resolved by the expulsion of such minority groups as refused to conform to the general consensus of the church. Many of these groups had died out, but a substantial number survived as dissident sects or heresies, which often in their turn split into smaller groups. Constantine was distressed to find that besides the catholic church there were a number of other bodies which, while claiming to be Christian, maintained theological views which the catholic church had condemned, or which refused on other grounds to communicate with it. He strove to reconcile some of them to the church, and, when his efforts proved unavailing, endeavoured to suppress them all by administrative action, confiscating their churches and forbidding their religious meetings.<sup>32</sup>

From this time onwards the imperial government normally, if not very persistently, penalised dissidents in various degrees, but heresies and schisms nonetheless continued to proliferate. Under Constantine himself, and despite his utmost efforts, the Donatists seceded in Africa, and while his attempts to heal the Arian controversy were temporarily successful, the dispute broke out again after his death, and the final condemnation in 381 of the various schools of thought which rejected the homoousian doctrine led to the formation of new groups of sectaries. It does not appear that these sects had much following within the empire, but unfortunately

the Goths were converted during the period when Arian views were in the ascendant in the East, and they and other East German tribes clung obstinately to their Arian faith.

The next serious controversy was between the Monophysites and the Dyophysites. Monophysism obtained no foothold in the Latin-speaking church, but in the East opinion was very evenly divided. After many hesitations and changes of front, the imperial government eventually, two generations after Chalcedon, came down on the Dyophysite side, but the vast majority of Egyptians and a substantial number of people in Syria, as well as smaller groups elsewhere, refused to accept this decision, and formed dissident churches.

The Donatists were always strong in Africa, and at times outnumbered the catholics. The Arian Goths, Burgundians and Vandals formed substantial minorities in Italy, southern Gaul, Spain and Africa. In Egypt Monophysites were in an overwhelming majority, and in Syria they were very numerous. With these exceptions the heretical and schismatic sects seem to have been numerically negligible. Some were geographically widespread. Manichees, for instance, were to be found not only in the East, but in Italy and in Africa, where they were especially strong. Marcionites, according to Epiphanius, were to be found not only in Egypt and the Thebaid, Arabia, Palestine, Syria and Cyprus, but also in Italy. But the majority of the sects were confined to limited regions. Some were and always had been strictly local. Donatists did not exist outside Africa, nor Melitians outside Egypt. Others had never spread much beyond their home lands; Priscillianism for instance does not seem to have penetrated beyond Spain. Others again which once had a wide vogue had shrunk: Montanism, which had in the second and third centuries invaded Africa, was by the fifth restricted to its original homeland in Phrygia and some adjacent provinces, and the Novatians survived only in north-western Asia Minor. In general the Latin-speaking half of the empire was less troubled by heresies than the East. Western Christians were not on the whole interested in the metaphysical controversies which produced so many dissident groups in the East, and apart from the Donatists, the Priscillianists and the Pelagians, produced few heresies of their own. The Eastern provinces on the other hand pullulated with queer eccentric sects, many of them of very ancient origin.<sup>33</sup>

If the heretical sects were for the most part small, they were extremely numerous. It is scarcely possible from the evidence at our disposal to estimate how many sects existed at any given time. Epiphanius towards the end of the fourth century wrote a learned

and scholarly work on the heresies, of which he enumerated 60. Philastrius, bishop of Brixia, in a very uncritical summary, brought the total up to 128. Augustine, who used both their books, nevertheless reduced the figure to 87. Theodoret, in a well-informed little treatise, brought down the total still further to 56. All these figures are, as Augustine remarks in the introductory letter to his work, somewhat arbitrary, as the authors differed as to what exactly constituted a heresy. Moreover all four works are—or profess to be—historical, and include extinct, and perhaps mythical, heresies of the past; nor do they draw any clear line between organised sects and aberrant opinions. Imperial constitutions which enumerate the sects which they penalise are perhaps a safer guide, but they often increase the total by the use of synonymous names: on the other hand none of them gives an exhaustive list. A constitution of Theodosius II yields 23 names, two or three of which are synonyms; Justinian in his version of the same law adds another eleven, a few of which are again merely verbal variants.<sup>34</sup>

The distinctive doctrines and practices of the sects were many and various. Some, like the Arians, Macedonians and Monophysites, differed from the catholic church on some purely metaphysical point of theology. The Quartodecimans were peculiar only in celebrating Easter on the Jewish Passover, the fourteenth day of Nisan. Other sects had broken off on disciplinary issues. The Novatians, or as they called themselves, the Pure (*καθαροί*), had objected to the reconciliation of those who had sacrificed in the Decian persecution, holding that those who committed a mortal sin after baptism must remain for ever excommunicate. The Donatists similarly refused to receive back those who had surrendered the scriptures in the Diocletianic persecution, and regarded the catholic hierarchy as polluted because, as they alleged, Caecilian of Carthage had been consecrated by a *traditor*. The Melitians in Egypt split off on similar grounds, and later the Luciferians refused to communicate with the catholic church because it readmitted Arians.

Other sects differed more radically from the norm. The Manichees, though regarded by the imperial government and the church as Christians, might almost be classified as a separate religion. They taught a dualist view of the universe probably derived from Zoroastrianism, and while accepting Christ regarded the doctrine of their own prophet Mani as the final revelation. They preached an extreme asceticism, which was however practised only by a select inner group, the *Electi*, the ordinary believers or *Auditores* being allowed to live more or less normal lives. There were many other

smaller sects, which, though historically unconnected with Manichaeism, and mostly older than it, held a basically similar dualistic view of the universe, and preached similar extreme ascetic practices on the ground that all material things were evil. Prominent among them were the Marcionites, founded in the reign of Hadrian by Marcion, who rejected the Old Testament and taught that its God, the demiurge who had created the material world, was evil; and the Montanists, who followed the teaching of Montanus, Priscilla and Maximilla, prophets who had arisen in Phrygia in the second century. These and many other sects, some of much later origin, were usually teetotallers and vegetarians, and condemned all sexual intercourse as sinful: some, like the followers of Eustathius condemned by the Council of Gangra, went so far as to encourage women to abandon their husbands and children and put on male attire, and even condemned private property and incited slaves to leave their masters.

We need not believe all the fantastic doctrines and grotesque practices which catholic writers attributed to the sectarians. The allegation that the Montanists pricked an infant all over to obtain blood for their sacramental ceremony, and revered their victim as a martyr if it died, and as a saint if it survived and grew up, is a variant of a libel brought against all Christians in the early centuries, and later transferred to the Jews. One may have one's doubts about the Ophitae, who revered the serpent as the giver of wisdom to mankind, and kept a tame snake in a box, releasing it on to the altar to sanctify the bread at the communion. Epiphanius is himself somewhat sceptical about the Adamians, who, he had been informed from several sources, worshipped stark naked, and very sensibly provided their churches, or paradises, with cloakrooms and hypocausts.<sup>35</sup>

But there certainly were very curious communities on the lunatic fringe of Christianity. Theodoret personally met an aged Marcionite who had all his life washed his face in his own spittle, to avoid using water, the creation of the demiurge. Augustine records from personal knowledge the practices of the Abelonii, a sect which survived to his own day in a village of his own city of Hippo. They held that marriage and continence were obligatory on all believers. Each couple adopted a boy and girl, who on the death of both foster parents, succeeded to the family farm and in turn adopted a boy and a girl. There was never any difficulty, Augustine tells us, in maintaining the sect, as neighbouring villages were always ready to provide children to be adopted in the certainty of ultimately acquiring a farm.<sup>36</sup>

The penalties inflicted on heretics varied in severity according

to the general policy of the government from time to time, and according to the opprobrium in which the various sects were held. Normally their churches were confiscated, their religious meetings banned, and any building or estate, in which their meetings were held, forfeited to the crown. Sometimes their clergy were specially penalised; in 392 a fine of 10 lb. gold was imposed on all heretical clergy, and Montanist bishops, priests and deacons were in 415 threatened with deportation. At the same period in Africa the policy was introduced of inflicting crushing fines, graded according to the offender's rank, on all Donatists who refused to reconcile themselves to the catholic church. Members of the more objectionable sects were from time to time declared incapable of making wills or of taking inheritances. This disability was inflicted on the Manichees in 381, and again in 407 and 445 in the West, and in 428 in the East. It was also imposed in 389 on the Eunomians, an extreme Arian sect, to be revoked in 394, reimposed and again revoked in 395, yet again remitted in 399, having been apparently re-enacted meanwhile, and finally reimposed in 410.<sup>37</sup>

Heretics were also from time to time debarred from the public service, or at any rate from its higher branches. This penalty was imposed by Theodosius I on all heretics, and in 395 Arcadius ordered his master of the offices to conduct a purge of the palatine ministries; Honorius took the same step in 408. The more detested sects, such as Manichees, Eunomians and Montanists, were later excluded from all grades of the public service, civil or military, except the *cohortales* and the *limitanei*. Leo, as we have seen, excluded all but orthodox Christians from the bar.<sup>38</sup>

The death penalty was very rarely invoked. Manichees had been subjected to it by Diocletian some years before he began the persecution of the Christians. Theodosius I in 382 imposed it not on the Manichees proper, but on three extremist sects which he regarded as even more sinister variants of Manicheism, the Encratites, the Hydroparastatae (who used water instead of wine in the communion) and the Saccophori. In 510 Manichees were subjected to the death penalty by Anastasius, and this remained the law under Justinian, who tightened up the legislation against heretics generally, reinforcing the ban on the public service and extending it to all sects, and debarring all heretics from taking inheritances or bequeathing their estates to any but orthodox heirs.<sup>39</sup>

Despite these penal laws the heretical sects stubbornly survived. The Donatists, though they seemed to have been crushed by the systematic campaign waged against them in the early fifth century by the combined forces of the catholic church and the imperial



government, raised their heads again. At the end of the sixth century Pope Gregory received alarming reports from Africa that they were rebaptising catholics in large numbers and even seizing catholic churches, and he felt it necessary not only to stimulate the African bishops to action, and to demand governmental support from the praetorian prefect of Africa, but to send a delegation of bishops to Maurice himself to enlist his aid. The Donatists were, it is true, a large sect with wide popular backing, but the parallel sect in Egypt, the Melitians, who never achieved any widespread success even in the early fourth century, nevertheless survived. They still existed in the time of Theodoret, who notes that they had introduced instrumental music (that of the old Egyptian sistrum) and dancing into their services. A document of 512 reveals a monk who describes himself as formerly Melitian, now orthodox, selling a monastery near Arsinoe to a Melitian priest. The sect still flourished a century after the Arab conquest.<sup>40</sup>

Our sources, which are almost entirely hostile and controversial, tell us very little of the inner life of the heretical sects, and it is difficult to gauge their social composition. The majority of the sectaries seem to have been humble people, and many of them were countryfolk. Procopius speaks of the victims of Justinian's campaign against the heresies as being in general simple peasants; the Montanists of Phrygia, who rather than submit, shut themselves up in their churches and set fire to them, were certainly so. Theodoret, too, records that in the territory of Cyrrhus he had converted, risking considerable personal danger, eight villages of Marcionites, one of Arians and one of Eunomians; he implies that the town was free of heresy. A document inserted in the acts of the Council of Ephesus gives an interesting glimpse of a little group of sectaries at Philadelphia in Lydia. It is a copy of the recantations of 19 Quartodecimans and 5 Novatians (the majority of whom had adopted the Quartodeciman Easter in the reign of Valens). Only four are villagers; the rest are from the town, but half of them are illiterate. They include, however, a decurion and a barrister. This perhaps gives a not untypical cross-section of the more respectable sects. We know more about Donatism than about most. Here it is clear that the great majority were simple folk, who did not even know Latin; Augustine had often to ask for an interpreter to argue with them, and was short of Punic-speaking clergy to take charge of converts. Most of them were country people from the estates, villages and little rural towns; it was from this class that the extremist wing of the Donatists, the circumcellions, were drawn. But the Donatist church had also among its leaders men of standing and culture, barristers like

Petilian or professors like Cresconius, who could keep their end up in learned controversy with Augustine himself. It is significant, too, that the sliding scale of fines imposed on Donatist recusants is graded for *illustres*, *spectabiles*, *clarissimi*, *sacerdotales* and *principales* as well as for decurions, *negotiatores* and plebeians.<sup>41</sup>

We also know something of the Novatians in Asia Minor, thanks to Socrates, who took a sympathetic interest in their affairs. Here again the majority were simple rustics, Phrygians and Paphlagonians, and the rigid tenets of the sect appealed to them, as Socrates explains, because they were naturally rather puritanical: they were not addicted to theatres or horse races, and held irregular sexual relations in abhorrence. It was the rank and file of the country Novatians who in Valens' reign, at a congress held at Pazus, a remote village near the source of the Sangarius, adopted the fundamentalist view of the Quartodecimans about the date of Easter. The congress was not attended by the four chief Novatian bishops, those of Constantinople, Nicaea, Nicomedia and Cotiaecum, who generally regulated the worship of the sect. They evidently disliked the reactionary movement among the rural Novatians, and a schism threatened, but was averted by another council, where the bishops with unusual good sense agreed to differ, declaring the date of Easter a matter of indifference.<sup>42</sup>

The Novatians of Constantinople were evidently more sophisticated than their Phrygian and Paphlagonian brothers, and included men of rank and learning. Marcian, who became their bishop in 385, had previously been a palatine civil servant, and had acted as tutor to Valens' daughters. His successor, Sisinnius, was a highly cultivated man, a pupil of the great pagan philosopher Maximus, under whom Julian had studied, a subtle controversialist whom the Arian Eunomius dared not face, and the author of many literary works, whose style Socrates considered too ornate and poetic. He moved in the best senatorial circles, and was rather a dandy, wearing white instead of the usual episcopal black, and was a celebrated wit. Socrates records a number of his repartees, and one is worth quoting. Asked why, being a bishop, he took two baths a day, he replied: 'Because I have not time for a third.' Later Novatian bishops of Constantinople were severer characters, but kept up the aristocratic and scholarly traditions of the see. Paul was a Latin scholar, a distinction rare in fifth-century Constantinople, and Chrysanthus, Marcian's son, had been a consular in Italy and vicar of Britain, and was in the running for the prefecture of the city when he was consecrated. He ordained a distinguished rhetorician, Ablabius, who later became Novatian bishop of Nicaea.<sup>43</sup>

It is difficult to make any generalisation which is both true and significant about the religious temper of an age, but it may at least be asserted with some confidence that the later Roman empire was intensely religious. Sceptics and rationalists, if they existed, have left no mark on history and literature. All, pagans, Jews and Christians alike, believed, and it would seem believed intensely, in supernatural powers, benevolent and malign, who intervened actively in human affairs; all were anxious to win their aid and favour, or to placate or to master them, as the case might be. This had probably always been true of the great mass of the population: by the fourth, and indeed probably by the third century, the educated minority, who had in the late Republic and early Principate ceased to believe in the gods, had become religious once more. Epicureanism, the rationalist and materialist school of philosophy, seems to have died out by Julian's time, and was regarded by him with almost as much disfavour as Christianity. The dominant philosophical school, Neoplatonism, was deeply impregnated with religion.<sup>44</sup>

Pagan intellectuals were usually monotheists or pantheists, believing in one ineffable divinity who ruled or permeated the universe; but such beliefs were not incompatible with a deep reverence for and attachment to the old traditional deities. Philosophers regarded the gods as aspects of or emanations from the supreme divinity, and believed that their myths and rites were divinely inspired and appointed, and possessed an esoteric symbolic significance.

Of the beliefs of the ordinary pagan we know little. He no doubt believed in all the gods, and in the various contingencies of life might make prayers and vows and offerings to the appropriate deity, to Asclepius in sickness or Pan on a desert journey. But he normally paid his devotion to some particular god or group of gods. Some were devotees of one or more of those deities, like Isis or Mithras, who had acquired fame throughout the empire, as not only giving success in this life, but promising bliss beyond the grave. But the great majority of simple pagans probably concentrated their devotions on the local god or gods who protected their city or village. The people of Carthage worshipped Caelestis, the Heavenly Goddess, those of Alexandria Serapis, those of Ephesus their own Artemis of the Ephesians, who, though she might be theoretically identified with other goddesses of the same name, was in the minds of her citizens a local deity, the patroness of their city.

Christians worshipped the one God, but believed in an infinite multitude of evil demons, among whom they generally classified the pagan gods. These demons were considered to be powerful and dangerous. They often lurked in desecrated temples, but might be found anywhere, and frequently took possession of human beings. To judge by the biography of Theodore of Syceon the peasants of central Asia Minor in the sixth century led an utterly demon-ridden existence. In several cases farmers inadvertently removing a rock or digging into a mound released swarms of demons who took possession not only of them but of their neighbours and their animals, and the saint had to be summoned to drive the evil spirits into their lair again and seal them in. This biography is somewhat exceptional in its preoccupation with demons, but the whole hagiographical literature of the age is permeated with the belief in their ubiquitous presence.

The austere monotheism of the early Christian church did not long satisfy the religious needs of the multitude of converts who flowed in from Constantine's reign onwards. There rapidly grew up a cult of the martyrs, which was soon extended to other holy men, the patriarchs and prophets of the Old Testament, the apostles and evangelists, and hermits and ascetics of more modern times.

It is very difficult to trace the stages in the growth of this cult. The churches had naturally always cherished the memory of their martyrs, had revered their graves and commemorated the anniversaries of their deaths. After the Peace of the Church chapels, called in the West *memoriae*, and sometimes regular churches, were built over their tombs, and their commemorations came to be popular festivities, celebrated on a grand scale and attended by a vast concourse of worshippers. How early their prayers were invoked it is impossible to say, but the practice was a natural corollary of the belief that they had passed straight to heaven, and could not only hear their suppliants' requests but present them to God himself. In the doctrine of the church, as officially taught, this was the limit of their powers. They played in the heavenly sphere a role analogous to that played on earth by the great men of the court, through whom petitions could be more efficaciously brought to the emperor's notice than if they were directly addressed to him; in the language of the day the same terms were applied to both heavenly and earthly patrons, whose *suffragia* were sought. In answer to critics, pagan and Christian, the leaders of the church firmly maintained that martyrs and saints were not worshipped. But in less guarded moments, when they were pronouncing panegyrics at their festivals, they attributed

to them the power of fulfilling the prayers of their suppliants, and encouraged a devotion which it is difficult to distinguish from worship.<sup>45</sup>

The bodies of the martyrs soon acquired a kind of magical power. Shortly after the Great Persecution a Carthaginian lady named Lucilla was reproved by Caecilian, the archdeacon of Carthage, for carrying a martyr's bone upon her person and kissing it before communion: she may have cherished it as a memento, but more probably she regarded it as a charm. A clearer case is the transfer of S. Babylas' corpse from Antioch to Daphne by Gallus Caesar (350-4); this was done with the object of expelling the pagan gods from the famous shrine, and was, we are told, effective, silencing the oracle of Apollo. By this time the cult and its attendant miracles must have been in full swing. It was only a few years later that Hilary asserted that 'the tombs of the apostles and martyrs proclaim Him (Christ) by the working of miracles', and Basil, bishop of Caesarea (370-8), in a panegyric on St. Mamas, speaks of the miracles wrought at his shrine as a commonplace.<sup>46</sup>

Saints and martyrs evidently satisfied a deep popular craving, and the demand for their bodies was insatiable. It was supplied by the miraculous discovery of the tombs either of forgotten martyrs or of well-known figures of the apostolic age or of Old Testament times. The most famous and best attested case is the discovery by Ambrose in 386 of the bodies of SS. Gervasius and Protasius, which is described by himself and by two contemporaries, his biographer Paulinus and Augustine. It is difficult to attribute a deliberate hoax, as some have done, to a man of Ambrose's character, but the fact remains that the names of the two martyrs were unknown until Ambrose, impelled as he says by a sort of premonition, ordered the floor of a church to be taken up and discovered their skeletons with an abundance of blood. Ambrose later discovered another pair, Vitalis and Agricola, at Bononia, and yet another in a garden at Milan. But he was not the first to make such discoveries. Pope Damasus (366-84) is recorded to have searched for and found many bodies of saints at Rome.<sup>47</sup>

Martin, who became bishop of Tours about 372, visited a martyr's shrine which had been consecrated by his predecessor in a place nearby. The saint's name was uncertain and there was no firm tradition about his passion, and Martin, with a critical sense unusual for the age, had doubts. Standing before the grave he prayed for a revelation, and there appeared a sinister wraith which confessed that he had been in fact a brigand, executed for his crimes and revered by a vulgar error.<sup>48</sup>

An African council held in 401 expressed similar doubts. It decreed that chapels should be consecrated only when there was an authentic corpse or relic, or a genuine tradition that a martyr had lived or suffered on the spot, and condemned 'the altars which are being established everywhere through the dreams or vain so-called revelations of anybody and everybody'. Such scepticism was, however, very rare, and discoveries of the bodies of saints, usually revealed in dreams, went on unabated through the fifth and sixth centuries in both East and West. One of the most celebrated and best documented took place at the Palestinian village of Caphargamala in 415. We possess the statement circulated by the discoverer, the local priest Lucian. Gamaliel appeared to him three times in a dream and revealed to him where the bodies of himself and his son, of Nicodemus, and, most precious of all, of the protomartyr S. Stephen, were to be found: and found they were, neatly labelled.<sup>49</sup>

The bodies of contemporary saints were as much sought after as those of the ancient martyrs, apostles and prophets. Antony, who died in 356, so disliked the idea of his body becoming an object of cult, that he charged the two disciples who were with him when he died to keep the place of his burial a secret. The corpse of Hilarion, who died in Cyprus in 371, was soon after his death surreptitiously removed by one of his disciples and brought back to Palestine, where it became the object of a cult which flourished in Sozomen's day. In Syria Theodoret records that shrines were built for several celebrated hermits in anticipation of their death, and describes the battles between rival villages for possession of their corpses. Particularly vivid is his eyewitness account of the neighbouring villagers waiting to pounce upon the body of the hermit Jacob, who lived on a mountain four miles from Cyrrhus. So persistent were they that the saint, who was suffering from acute diarrhoea, was put to great embarrassment until Theodoret with great difficulty succeeded in driving them away at nightfall. During a later illness citizens and soldiers from Cyrrhus by a display of force frightened the local villagers away and carried the saint, who was in a coma, to the town. He recovered, however, and was still living when Theodoret wrote.<sup>50</sup>

In the West there was some sentiment against moving corpses from their original places of burial. In the East there seems to have been no such feeling, and the bodies of saints were frequently translated. It was thus that Constantinople, poor in native martyrs, was able to acquire a collection of relics which rivalled that of Rome; Constantius II began the process as early as 356, when he secured the body of S. Timothy, and in the following year those

of S. Andrew and S. Luke. In the East corpses were also frequently dissected and distributed to various places. This practice was obviously open to abuse, and soon led to a traffic in dubious relics of which Augustine complained: for the churches of the West, though reluctant to disturb their own martyrs' graves, had no qualms in acquiring relics from the East.<sup>51</sup>

The saints and martyrs, as Theodoret boasts, replaced the pagan gods: their shrines superseded the temples and their feasts the old festivals. Like the old gods, they cured the sick, gave children to barren women, protected travellers from perils of sea and land, detected perjurers and foretold the future. Some acquired widespread fame for some special power. SS. Cyrus and John, the physicians who charged no fee, were celebrated for their cures, and their shrine at Canopus, near Alexandria, was thronged by sufferers from all the provinces, as in the old days had been the temple of Asclepius at Aegae. But the main function of the saints and martyrs in the popular religion of the day was to replace the old gods as local patrons and protectors. S. Martin became for Tours and S. Demetrius for Thessalonica what Serapis had been for Alexandria and Artemis for Ephesus.<sup>52</sup>

This is not to say that the pagan gods ever became saints. There is no case where such a transformation is recorded, and it is on the face of it most unlikely that Christians, who believed that the pagan gods were malignant demons and were taught to avoid any contact with their rites as pollution, would have adopted them into their religion. Martyrs were sometimes translated to pagan sanctuaries, as was S. Babylas to Daphne, or later SS. Cyrus and John to Canopus, but with the intent of exorcising the old gods. Christian festivals were sometimes celebrated on old pagan feast days, but with the deliberate idea of providing a counter-attraction. Occasionally myths of the pagan gods and heroes came to be attached to Christian saints, but the figures to which such myths were attached were often genuine martyrs.<sup>53</sup>

The cult of the saints and martyrs was undoubtedly a popular movement, but it was not confined to the vulgar. From the beginning it was welcomed and promoted by the leaders of the church, including its greatest intellectual figures. The pagan Julian sneered at 'old women who grovel round tombs', and was controverted by Gregory of Nazianzus and later by Cyril of Alexandria. Faustus the Manichee objected: 'You have transformed idols into martyrs and honour them in the same way', and was rebuffed by Augustine. The only orthodox Christian who is recorded to have raised his voice against the cult of martyrs was an obscure Aquitanian priest named Vigilantius. He protested that 'we almost

see the rites of the pagans introduced into the churches under the pretext of religion, ranks of candles are lit in full daylight, and everywhere people kiss and adore some bit of dust in a little pot, wrapped in a precious fabric'; and he argued that 'the souls of the apostles and martyrs rest in the bosom of Abraham or in a place of refreshment or under the altar of God' and mocked at the idea that they 'loved their ashes and hovered about them, and were always on the spot in case they could not hear any suppliant who came in their absence'. His work is only known to us because some neighbouring priests, shocked by his impiety, sent a copy to Jerome, who refuted it in a more than usually vitriolic pamphlet.<sup>54</sup>

From what has already been said it is evident that the religion of the age was riddled with superstition. The common man had always believed in magic and divination, and astrology, owing to its pseudo-scientific character, was often accepted by the most enlightened. All these practices (except for the consultation of established oracles and of the officially recognised *haruspices* and *augures* of the Roman state) were criminal offences in the law of the Principate, but they were nevertheless widespread and often openly tolerated. Christians naturally regarded magic and divination as sinful, since they involved the invocation of pagan gods or demons, but they believed in their efficacy. Astrology they endeavoured to discredit on rational grounds, since the fatalistic view which it presupposed was contrary to the doctrine of free will and human responsibility: but it is doubtful whether their arguments had much effect on popular belief.

Towards the end of the third century the belief in and practice of magic penetrated to the most exalted intellectual circles. Plotinus and Porphyry had been sceptical and disapproving of theurgy, as it was called. Porphyry's successor Iamblichus, who flourished about the turn of the century, openly defended it, and is reputed to have performed feats of levitation and to have evoked spirits. The great philosophers at whose feet Julian sat regarded theurgy as the consummation of their wisdom: Maximus had great powers—he is recorded to have elicited a smile from a statue and to have caused the torch it carried to burn—and it was his miracles that won Julian's devout adherence.<sup>55</sup>

Christian miracles followed slightly in the wake of pagan. Down to about the middle of the fourth century Christian literature is reasonably free from the miraculous element. With the growth of the cult of the martyrs a flood of miracles begins. Augustine was particularly interested in contemporary miracles, and with a view to giving them greater publicity, instituted a system whereby



the beneficiary wrote a brief narrative (*libellus*), which was subsequently read out in church and filed for future reference: the same practice was introduced in the neighbouring towns of Uzalis and Calama. We possess the actual text of one of these *libelli*, incorporated among Augustine's works, and it was from this source that he culled the miracles which he catalogues in the City of God. We also possess a contemporary account of the miracles performed at Uzalis, drawn up from *libelli* on the instruction of the bishop Euodius.<sup>56</sup>

These documents show that miracles were very frequent occurrences; Augustine recorded seventy at Hippo in less than two years. They are mostly cures, with a few resurrections from the dead, and some revelations of future events. What is most noticeable about them is their magical character. The result is practically always achieved by physical contact with the martyr's shrine, either directly or through some object, usually a piece of cloth, which has been laid upon the tomb. Thus the proprietor of a vineyard at Uzalis, going to his cellar, finds that his entire vintage, 200 jars of wine, is utterly undrinkable. He tells his slave to draw a little wine from each jar into a flagon, and leave it for the night in S. Stephen's shrine. Next day the flagon is brought back, and a little poured from it into each jar, and the entire contents of the cellar forthwith acquire a superb quality. Such silly stories had no doubt always been believed by the common herd, but it is a sign of the times that a man of the intellectual eminence of Augustine should attach importance to them.<sup>57</sup>

One of Augustine's letters is very revealing of the growth of credulity. A scandal had arisen among his clergy. A priest named Boniface had accused a junior cleric named Spes of making improper advances to him, and Spes had retorted by turning the charge against him. It was a case of one man's word against another's, and Augustine saw no means of getting at the truth, though he clearly suspected Spes. Meanwhile the retention of the offender, whichever he was, among the clergy caused scandal to the church, and the promotion of either was blocked until the slur could be removed. Augustine's solution was to send them both to Italy, to swear to their stories before the shrine of S. Felix of Nola. For, he observes, though God is everywhere present, particular types of miracle occur in some places and not in others. He was not aware that any African shrine detected perjurers; on the other hand he knew of a case at Milan when a thief who had perjured himself had been compelled to confess. S. Felix apparently had this power, and Augustine had friends there who would send a reliable report of the result. It is difficult to believe

that in the second century any judge would have thought of solving a conflict of evidence by recourse to an oracle.<sup>58</sup>

Another notable feature of the age was the profound and widespread interest in dogmatic controversies. That ordinary people felt passionately on these questions is amply proved by the long series of riots and commotions which they provoked, and the stubborn resistance offered to the penal laws against heretics by thousands of humble Christians. How far the mass of the people understood the often very subtle metaphysical points involved may be open to doubt, but it would seem that popular interest in these controversies, which to us seem so arid, was intense. Gregory of Nyssa gives an amusing picture of Constantinople in the final stage of the Arian controversy: 'If you ask about your change, the shopkeeper philosophises to you about the Begotten and the Unbegotten; if you enquire the price of a loaf, the reply is: "The Father is greater and the Son inferior": and if you say, "Is the bath ready?" the attendant affirms that the Son is of nothing.' Ordinary people, that is, at least learned the stock arguments and catchwords, and enjoyed argumentation.<sup>59</sup>

Some theologians felt the need of presenting their doctrines in popular form to attract the masses. Arius composed a poem in a popular metre, entitled *Thaleia*, with this intent. Athanasius has preserved an extract from this work. It begins: 'God himself then is ineffable to all. He alone has no equal, none like him or of the same glory. We call him ingenerate because of him that is generate by nature; we hymn him as without beginning because of him who has a beginning; we revere him as everlasting because of him that is born in time.' If the *Thaleia* was, as Athanasius alleged, sung in the bars of Alexandria, the lower orders in that city must have had a strong taste for theology. Augustine also composed a 'Psalm against the Party of Donatus', 'wishing that the case of the Donatists should come to the knowledge of the very lowest classes and of utterly ignorant and uninformed persons, and stick in their memory as far as in me lay'. It is a fairly simple and straightforward ballad, most of it devoted to the history of the schism, with a refrain at the end of each verse. 'All who rejoice in peace now judge the truth.' It is written in a rough jingle, 'so that needs of metre should not force me to use any words unfamiliar to the vulgar'. Often doctrinal propaganda was not on so high a level as this, but consisted of simple slogans. Even the most ignorant monophysite could proclaim his faith by adding to the

Trisagion the words 'who was crucified for us', and the chanting of the refrain provoked many bloody riots.<sup>60</sup>

It has often been argued that the passions ostensibly evoked by doctrinal controversies were in reality the expression of national sentiment or of social movements. Such theories are scarcely susceptible of proof or of refutation but they are plausible in a very limited number of cases only. It is likely that the Germanic tribes clung to Arianism rather because it was their tribal cult, than from any intellectual conviction of its truth. Theoderic's tolerant policy in Italy seems to have been based on the idea that the Goths and the Romans should live together in peace and mutual respect, but that each should keep to their own function and preserve their separate institutions and faiths. The doubtless apocryphal story that he executed a catholic deacon for conversion to Arianism suggests that this at any rate was the popular impression produced by his policy.<sup>61</sup>

Other Arian kings, however, did not regard their faith as the exclusive national religion of their tribesmen, but endeavoured to force it on their Roman subjects; and it is hard to see what motive they had, save a fanatical conviction that catholicism was a heresy displeasing to God. The Germans certainly believed that their doctrine was, and could be demonstrated to be, correct: the Vandal king Huneric staged a set debate between his clergy and the catholics. Sidonius Apollinaris makes an interesting remark about the Visigothic king Euric, so fanatical a persecutor that 'one might doubt whether he is the leader of his tribe or of his sect'. 'His mistake is,' says Sidonius, 'that he believes that success is vouchsafed to him in his plans and policies in virtue of his religion, whereas really he obtains it in virtue of earthly good fortune.' In other words Euric believed that God rewarded him with victory for his zeal in suppressing the heresy of his Roman subjects.<sup>62</sup>

Apart from the Germans there are only four areas where national sentiment can be plausibly alleged as the basis for heresy or schism, Africa, Egypt, Syria and Armenia. The Donatists were confined to Africa. They frequently challenged the right of the imperial government to interfere in religious affairs and resisted its agents by armed violence. They gave their support to the two African pretenders, Firmus and Gildo, and some of them are alleged by Augustine in 417 to have compromised with Arianism in an attempt 'to conciliate the Goths, since they have some power'. The reference is probably to the federate troops under the command of the tribune Boniface, who later married an Arian wife and allowed his daughter to receive an Arian baptism, doubtless with

the same end in view. Finally the Donatists drew their main support from the Punic or Berber speaking population.

These are the facts, and they hardly justify the assertion that Donatism was essentially an expression of African national feeling. Donatism was in fact confined to Africa, but its adherents upheld that they were the one surviving fragment of the catholic church, which had elsewhere gone astray: it is significant that they for long maintained a bishop in Rome. That they were frequently in revolt against the imperial government was because the government usually persecuted them: they were perfectly willing to co-operate with Julian, who granted them toleration, and with such pro-consuls and vicars as favoured their cause. Their adherence to local pretenders who promised them support was in the circumstances perfectly natural; Firmus and Gildo were not national leaders, but pretenders to the imperial throne, and in backing them the Donatists were hoping for an imperial government in sympathy with their church. Nor was there anything treasonable in their ingratiating themselves with the federates operating in the area. There is no evidence that they welcomed or supported the Vandals.

Nor is there anything very significant in the adherence of the Punic and Berber speaking population to the Donatist cause. Any church which included the peasant masses was bound to have a majority of them, and the Donatists took no pride in the fact. Their leaders were Latin speaking, their literature was in Latin, and so are the inscriptions even of the country churches.<sup>63</sup>

The Africans never, so far as we know, possessed any national sentiment. The Egyptians in times past had cherished their national traditions. Under the later Ptolemies there had been serious native revolts, and native Pharaohs had established their rule over parts of the country for considerable periods. Even under Roman rule there was in the reign of Marcus Aurelius a formidable popular uprising in the Delta which may well have been inspired by nationalism. One of its leaders was a priest, and it is certain that the 'Prophecy of the Potter', a strongly xenophobic document which foretold the destruction of the foreign city of Alexandria, was in circulation at this period and even later. There is, however, no sign that Egyptian nationalism survived the third century, and it is likely to have died with the old Egyptian religion, with which it was closely linked. Certainly there was from the fourth century onwards no hostility to Alexandria, which became on the contrary the acknowledged spiritual centre of Egypt.<sup>64</sup>

The Egyptians undoubtedly showed great solidarity in the doctrinal conflicts of the fourth, fifth and sixth centuries. They stubbornly maintained their loyalty to the homoousion throughout

the prolonged controversy which followed the Council of Nicaea, and they were as united and as intransigent in the monophysite cause after Chalcedon. They fiercely resisted the attempts of the imperial government to impose upon them bishops whom they considered to be heretical, but this does not seem to have involved any hostility to the empire as such. There were no attempts at political rebellion, and in periods when the imperial doctrine coincided with their own they were perfectly content.<sup>65</sup>

Egyptian doctrinal solidarity seems to be the result of the immense prestige of the Alexandrian church, and the highly centralised organisation of the patriarchate. The people of Egypt took great pride in the high repute of Alexandria for theological learning, and had very little opportunity of hearing other views. They were in turn homoousians and monophysites partly because they had been taught no other doctrine, but mainly because these were the faiths of their great popes Alexander and Athanasius, Cyril and Dioscorus. It was probably for this reason that they obstinately refused any compromise which did not expressly anathematise Chalcedon, the council which had condemned Dioscorus.

Egyptian hostility to the doctrine of Chalcedon was probably enhanced by the fact that the council had given primacy in the East to Constantinople, the upstart see whose pretensions the patriarchate of Alexandria had always resented and often successfully crushed. It was doubtless for similar reasons that monophysitism was strong at Ephesus, whose bishop the Council of Chalcedon had deposed and whose see it had robbed of its quasi-patriarchal status and subjected to Constantinople.<sup>66</sup>

Monophysitism became by accident the national faith of the Armenians in much the same way as Arianism became that of the German tribes. The Armenian kingdom had been early converted to Christianity and had created what may truly be called a national church. In the middle decades of the fifth century the Armenians were involved in a struggle with their Persian overlords, who were endeavouring to impose Zoroastrianism upon them, and took no part in the Councils of Ephesus and Chalcedon. As late as 506 they were unaware of the issues involved, and learned of them only from monophysite refugees from Mesopotamia, where the Persian government supported the Nestorians. The Armenians naturally accepted the views of their fellow victims. They condemned Nestorius and Chalcedon and approved 'the letter of Zeno, blessed emperor of the Romans', that is, the Henoticon, which was at that time the official orthodoxy of the empire. When Justin and Justinian reversed the imperial attitude, the Armenians were

apparently not consulted and clung to their old faith. They remained friendly with Rome and solicited and obtained her aid against the Persians, but steadfastly refused to change the doctrine to which they were traditionally attached.<sup>67</sup>

Outside Egypt and Armenia monophysitism ultimately survived only in Syria and Mesopotamia. It cannot, however, be called the national faith of those areas. There was always a large body of Chalcedonians in Syria, and of Nestorians in Persian Mesopotamia. Moreover in the late fifth and sixth centuries monophysitism had a considerable following in other parts of the Eastern empire. For the first few decades after Chalcedon Palestine was strongly monophysite; the monks denounced the traitor Juvenal, who had signed the Chalcedonian creed, and set up a rival patriarch in his place. At Thessalonica the papal commissioners who came in 519 to receive the bishop into communion were greeted by riots; shortly before 2,000 citizens had crowded to be baptised before the monophysite faith was abandoned. In Justinian's reign the great monophysite leader James Baradaeus in his many journeys visited Cappadocia, Cilicia, Isauria, Pamphylia, Lycaonia, Phrygia, Lycia, Caria, Asia, Cyprus and the islands of the Aegean. Of the twenty-nine sees to which he consecrated bishops thirteen were in Egypt, seven in Syria and Mesopotamia, and nine in Asia Minor. John of Ephesus mentions monophysite communities in many cities of Asia Minor, and notes in particular the flourishing churches of Pamphylia.<sup>68</sup>

It would seem in fact as if for a century and more after Chalcedon monophysitism was as widely diffused, and in as haphazard a fashion, as had been Arianism. It was perhaps stronger in Syria; but it survived there and died elsewhere, because in Syria it enjoyed toleration under the Arabs and in Asia Minor it eventually succumbed to persecution.

The linguistic question is relevant neither in Egypt nor in Syria and Mesopotamia. In Egypt translations of the scriptures into Coptic were made in the fourth century, if not earlier, for the benefit of the masses who knew no Greek, and much theological and hagiographical literature was translated long before the Egyptian church went into permanent schism. Greek on the other hand was the language of educated Christians, whether orthodox or monophysite. It was only when Greek died out after the Arab conquest that Coptic became the exclusive language of the national monophysite church, while the orthodox patriarchate of Alexandria, which was virtually a foreign mission from Constantinople, naturally used Greek.

In the Antiochene patriarchate the position was somewhat

different, since Syriac not only was the language of the people in Syria and Palestine, but in Mesopotamia remained in continuous use as a literary language. It was used by Christian writers of all persuasions in Mesopotamia from the third century onwards. In Syria and Palestine the liturgy or at least parts of it were translated into Syriac for the benefit of humble folk as early as the third century, but Christian literature, whether orthodox or monophysite, was written in Greek. Here again Greek died out after the Arab conquest, and Syriac became the exclusive language of the local monophysite church, with the result that the works of the great monophysite leaders of the sixth century, originally written in Greek, survive only in Syriac translations. Here too the orthodox patriarchate became a virtual dependency of Constantinople and therefore maintained the use of Greek.

The only religious conflict which can be associated with a social struggle is the Donatist controversy. According to Optatus the circumcellion bands in the middle of the fourth century established a reign of terror over the propertied classes. 'No one could be safe on his estates: the bonds of debtors lost their force, no creditor at that time could recover his money.' Rich men travelling through the country were hustled out of their chariots and compelled to run behind while their slaves drove. Augustine brings similar charges against the circumcellions. Peasants were encouraged to defy their landlords, and slaves not only to desert but to menace their masters. 'What owner was not compelled to fear his own slave if he resorted to their patronage? Who could exact payment from those who consumed his stores or from his debtors, if they appealed for their aid and defence? Under the terror of clubs and fire and instant death the accounts of the worst slaves were destroyed so that they could escape to freedom. The bonds of debtors were extorted and given back to them.'<sup>69</sup>

It is likely enough that the peasants who formed the circumcellion bands were glad to take advantage of the religious struggle to intimidate and beat up landlords and moneylenders who happened to be catholics and to champion their fellow sectaries against them. But these incidents were only part of a wider campaign of terrorism, in which the principal incidents were the seizure of catholic churches and the kidnapping and maltreatment of catholic clergy. There is no evidence that landlords in general were attacked. There were plenty of Donatist landowners, who would hardly have remained faithful to the cause if they had been subject to such treatment. And there is evidence that catholic landowners were not molested if they allowed their tenants freedom of worship. Augustine in a fulsome letter to the great senator Pammachius

congratulates him on his courage in urging his tenants in the Donatist stronghold of Numidia to join the catholic church, and expresses the wish that other senators may be encouraged to do the same. Evidently their Donatist tenants were quietly paying their rents to these Italian senators and would only cause trouble if their religion were interfered with.<sup>70</sup>

In all religious conflicts the upper classes tended for prudential motives to conform to government policy. They had more to lose by opposition: they were more likely to be denounced, their property might be confiscated, they might lose their posts. The lower classes were more stubborn; flogging and torture were familiar incidents to them, and had not the same terror as they had for their social superiors. In the persecutions the vast majority of upper-class Christians seem to have lapsed; the martyrs and confessors were mostly men of humble station. The same seems to have been true when the empire became Christian and persecution was turned against the dissidents. Hence in most heretical sects the majority tended to be humble people. Only among the Donatists, so far as we know, did this circumstance give to a religious struggle some features of a class war. In general, it would seem, the religious struggles of the later empire were in reality what they appeared to be. Their bitterness demonstrates the overwhelming importance of religion in the minds of all sorts and conditions of men.

It is even more difficult to generalise about morals than about religion. It is possible to record the ideals set forth by philosophers and theologians, and to describe the precepts of moralists and preachers. It is much more difficult to assess the codes of behaviour which ordinary men in various walks of life accepted as binding upon them, and next to impossible to estimate how far men lived up to these codes.

There was much in common between the moral ideals preached by pagan philosophers and Christian theologians. Both alike proclaimed the equality of men, by the law of nature and in the sight of God respectively. The philosophers were as insistent on love of one's fellow men (*φιλανθρωπία*) as Christians of love of one's neighbour. The pagan Libanius regarded forgiveness of one's enemies as a divine and typically Athenian virtue. Both philosophers and divines preached contempt for wealth and power, both alike advocated temperance and chastity. There were, however, differences in emphasis in the pagan and Christian ideals. The philosophers taught that wealth was indifferent, and that its loss



should be borne with equanimity: Christians preached that riches were a positive hindrance to salvation, and the better way was to give away all one's possessions to the poor. Pagans held marriage in high esteem. Christians set up celibacy and virginity as the ideal, and gave only a grudging approval to marriage as a concession to weaker vessels.<sup>71</sup>

In their practical precepts there was also much in common between paganism and Christianity. Despite their common belief in the equality of men both accepted slavery as a matter of course, and contented themselves with urging slaves to be obedient and dutiful, and masters to be kind. But once again there were differences of emphasis. Liberality was part of the pagan code. The rich were expected to spend their money lavishly for the benefit of their fellow citizens, subscribing to public buildings, maintaining the gymnasia and baths, buying corn for distribution at a fair price in time of famine, and above all providing games and other entertainments. The standard of generosity expected was high, and there were men who reduced themselves to poverty by their benefactions. This kind of liberality reached its apogee in the second century A.D. but the spirit survived in pagan circles down to the end of the fourth century at any rate: Libanius' letters are full of the praises of wealthy pagans who have impoverished themselves in the service of their cities.<sup>72</sup>

The church frowned on such forms of liberality. The principal object to which it was devoted, the games, were in its view sinful, and the motive was vainglory. 'It is prodigality', declares Ambrose 'to exhaust one's own fortune for the sake of popularity, as do those who squander their patrimony on giving horse races or even theatrical entertainments and gladiatorial shows and wild beast hunts in order to outshine the productions of their predecessors.'<sup>73</sup>

On the other hand, the church laid an immense emphasis on charity to the poor, and particularly to widows, orphans, strangers, and the sick. The poor were not altogether neglected in the pagan code, as the alimentary benefactions of the second century testify, but the Christians set a new standard. The best witness to their generosity is Julian, who allocated an annual grant of 30,000 *modii* of wheat and 60,000 *sestarii* of wine to his pagan high priest of Galatia, and instructed him: 'A fifth of this sum is to be spent on the poor who serve the priests, and the rest distributed by us to strangers and beggars. For it is a disgrace that no Jew is a beggar, and the impious Galilaeans feed our people in addition to their own, whereas ours manifestly lack assistance from us. Teach the pagans also to subscribe to such services, and the pagan villages

to offer first fruits to the gods, and accustom the pagans to beneficence of this kind.<sup>74</sup>

Christian charity was not limited to almsgiving to the poor. Christians built churches, and maintained and endowed their clergy, and supported thousands of monks. The duty extended to a much wider social circle than did pagan liberality; even the humblest were urged to contribute their mite. On the whole it is probable, though no figures can be adduced, that more people gave away a larger proportion of their wealth in Christian than in pagan society: otherwise the rapid growth of the immense wealth of the churches is unaccountable. Many motives contributed to the strength of the movement. Vainglory no doubt played its part, particularly in the erection of churches—as in pagan times benefactors were far more willing to put up a new building which would commemorate their name than to make provision for repairs. But the most cogent motive was the desire to save one's soul, for the church taught that almsgiving, together with prayer and fasting, won remission for sin. In particular this motive accounts for the flood of testamentary bequests to the church.<sup>75</sup>

In sexual relations the teaching of the church was more exacting than the pagan code. Both the Christian and the Greco-Roman moral code condemned homosexuality: Libanius is as passionate in denouncing the vice, which was apparently very prevalent at Antioch, as is his contemporary John Chrysostom. It may be suspected, however, that average pagan opinion was more lax than Christian. Both alike abhorred incest, but there were areas of the empire where marriages between close kin were normal and approved. In Egypt brother and sister marriage was traditional and commonly practised at any rate down to the early third century A.D. It was tolerated by the Roman government, being forbidden only to Roman citizens, presumably Egyptians who had received the citizenship. After the *Constitutio Antoniniana* the Roman rules against incest should have been universally enforced, but apparently they were not. Diocletian was shocked to find that owing to ignorance of the law many of his subjects were contracting incestuous unions, and in a constitution redolent of religious emotion peremptorily prohibited practices so beastly and so offensive to the immortal gods. In Egypt, whether under the pressure of Roman law or of Christian teaching, brother and sister marriages seem to have ceased by the fourth century. Among the rural population of Osrhoene and Mesopotamia incestuous marriages were still common in the sixth century, even among the clergy: Justinian, after ordering an investigation, had to condone past offences.<sup>76</sup>

Since the reign of Augustus adultery, that is intercourse between a married woman and anyone but her husband, and *stuprum*, intercourse between a man and any free woman other than his wife, or a registered prostitute, had been criminal offences, visited by severe penalties on both parties. Breaches of chastity by women were strongly condemned by public opinion. The offences of men seem to have been more lightly regarded, but the lawyers held that in trying a case of adultery the judge should enquire whether the husband led a chaste life: for it was 'most inequitable that a husband should exact chastity from his wife, when he does not practise it himself'. Divorce on the other hand was permissible under Roman law at the wish of either party, and the husband might remarry forthwith, the wife after a year's delay. Though there were probably not many who went as far as the couple cited by Jerome, who had each had twenty-two previous spouses, divorce seems to have been frequent; on the other hand scores of pagan tombstones record with pride long and happy marriages. Concubinage, a regular union between an unmarried man and a slave or freedwoman, was recognised by law and regarded as perfectly respectable. Prostitution was also recognised by law, and, while brothel keepers and prostitutes were despised as a degraded class, recourse to them was not condemned by public opinion.<sup>77</sup>

The standards taught by the church were much more rigorous. All intercourse outside marriage was declared sinful, though there was some hesitation about concubinage. Augustine declared uncompromisingly against it, but his attitude apparently evoked surprise and indignation from his flock, and the Council of Toledo in 400 ruled that an unmarried man might have one concubine, thus conforming to the classical law. It was generally agreed that divorce was permissible only for adultery, but Augustine by a rather casuistical argument equated idolatry with adultery, and avarice with idolatry, and concluded that any grave sin justified divorce. On the question whether divorced persons might remarry there was a division of opinion. Origen states that some bishops in his day allowed it, and though he thought them wrong he did not presume to condemn them. The Council of Arles in 314 evidently disapproved of it, advising young men who had divorced adulterous wives to refrain from a second marriage if possible. Epiphanius at the end of the fourth century considered remarriage after a lawful divorce, for adultery or other grave sin, quite normal. Augustine, after prolonged thought, decided that it was forbidden, and so advised his flock. But he admitted that the texts were very obscure, and therefore regarded the second marriage of divorced persons as a venial sin. An African council in 407 subjected to

penance all husbands or wives who had been divorced by their spouses if they subsequently remarried. A Gallic council in 465 excommunicated husbands who married again if they had divorced their first wives for reasons other than adultery. But on one point all Christians were agreed, that marriage was indissoluble except for adultery.<sup>78</sup>

The Christian emperors tightened up the laws of divorce, but not in an entirely Christian sense. Constantine enacted that a woman might legitimately divorce her husband only if he were a murderer, poisoner or tomb robber. If she did so for any other cause, such as drunkenness, gambling or sexual offences, she lost her dowry and was deported. A man might divorce his wife for adultery, poisoning or procuring, and if he did so for other reasons had to restore her dowry and was debarred from a second marriage. It may be noted that the illegitimate divorce, though the guilty party was penalised, was valid, so that the divorced party could remarry. Honorius in 421 reformed the law, distinguishing three kinds of divorce, that for a crime, that for bad character and that without reasons alleged. In divorces of the first class a wife, if she proved her case, recovered her dowry and was allowed to remarry after five years; a husband could remarry forthwith. In those of the second class a man who divorced was allowed to marry again after two years but a woman was debarred from remarriage. In those of the third class the penalties were the same as under Constantine's law, deportation for a woman, celibacy for a man.<sup>79</sup>

Since divorce under the old legal forms had been rendered so difficult, many couples dissolved their marriage by consent. This was forbidden by Theodosius II in 439, but he at the same time abolished all the penalties for divorce, and went back to the classical law. His constitution was received in the West in 448, but Valentinian III four years later revoked it, going back to the law of 421. Theodosius II also had second thoughts in 449. He allowed divorce for a long list of crimes, ranging from treason to stealing cattle, and for various marital offences, such as, in the case of a man, wife beating or introducing loose women into the home, and in the case of a woman, going to the games or the theatre or spending a night away without her husband's leave. A man who divorced his wife in these circumstances could marry again forthwith; a woman kept her dowry and could remarry after a year. But divorces without due cause remained valid; a woman who thus divorced her husband was not allowed to marry again within five years, a man merely forfeited the dowry. As a result of this law the dissolution of marriages by consent re-

appeared: the law of 439 was apparently evaded by one party sending the other a formal document of divorce (*repudium*). Anastasius in 497 cleared up an ambiguity by ruling that if a husband divorced his wife with her consent, she did not have to wait five years but might remarry after the year laid down by the classical law.<sup>80</sup>

Justinian legislated extensively on marriage, revising in various ways the legitimate causes of divorce. In 542 he made a drastic change. He prohibited divorce by consent, and ordered that a woman who divorced her husband without cause should be placed in a nunnery for life. Under this law a husband in like case suffered only pecuniary damages, but in 548 he too was relegated to a monastery. The prohibition of divorce by consent caused much discontent, and within a year of its author's death, Justin II, besieged by petitions from couples who, though they had no lawful cause for divorce, found married life intolerable, regretfully revoked it. We possess the contract of divorce of an Egyptian couple who took advantage of Justin II's law three years later. Aurelius Theodore, a baker, and Aurelia Amaresia, daughter of a merchant, both of Antinoopolis, declare: 'We were in time past joined to one another in marriage and community of life in fair hopes and with a view to the procreation of legitimate children, thinking to maintain a peaceful and seemly married life with one another for the whole time of our joint lives; but on the contrary we have suffered from a sinister and wicked demon which attacked us unexpectedly from we know not whence, with a view to our being separated from one another.' After which they get down to business details, abandoning all reciprocal claims and specifying that either party may make a second marriage.<sup>81</sup>

This record of legislation shows how impotent was the church to change accepted moral standards even on a matter on which it felt so strongly as the sanctity of marriage. Constantine and his successors in making divorce more difficult were evidently actuated by Christian ideals, and were probably subjected to clerical pressure: the African council which in 407 prohibited the remarriage of all persons who had been divorced resolved to petition the emperor for an imperial law to that effect. But the imperial government never ventured to impose any such general ban, and on the whole tended to relax the drastic rules against divorce enacted by Constantine: even Justinian allowed remarriage after divorce for a wide range of causes. But the most significant fact is the survival of divorce by consent throughout the three centuries which followed Constantine's law. It was apparently despite the church's teaching quite common among Christians.

Asterius of Amaseia in one of his sermons castigates his congregation 'who change your wives like your clothes, and build new bride chambers as often and as casually as stalls at a fair'.<sup>82</sup>

The church's condemnation of fornication had rather more effect, if not in diminishing it, at any rate in rescuing prostitutes. Constantine, it is true, took prostitution for granted and levied the *collatio lustralis* from it as from other trades: he moreover assimilated barmaids to prostitutes, ruling that they should be neither subject to the penalties of the *Lex Julia de adulteriis* nor protected by it. It was not until the fifth century that any legislation was introduced against prostitution, and it was apparently due to the initiative of a pious layman, Florentius, twice praetorian prefect of the East. In 428 he inspired a law authorising prostitutes who wished to abandon their trade to appeal to bishops, provincial governors or *defensores* of cities, and empowering these authorities to free them from their fathers or owners or employers. In 439 he secured the issue of a constitution freeing all prostitutes in Constantinople and expelling brothel keepers from the city; he recompensed the treasury for the resulting loss of revenue out of his own fortune. It was evidently by this time felt to be a scandal that a Christian government should draw profit from immorality, and twenty or thirty years later Leo enacted a general prohibition of prostitution and abolished the tax upon it.<sup>83</sup>

Needless to say the prohibition was ineffective. In 529 Theodora made a vigorous attack on the problem in the capital. She made the brothel keepers declare on oath how much they had paid for their girls, and having established that five solidi was the average price, bought up all the prostitutes and put them in a former imperial palace, which she converted into the Convent of Repentance; according to the malicious Procopius many of the girls found their new life so depressing that they flung themselves out of the windows. Six years later Justinian received private information, which was verified by an enquiry conducted by the praetors, that prostitution was again rampant in the capital. In a constitution which he issued as a result of this enquiry he gives some details of the trade. Agents toured the provinces and allured girls, sometimes younger than ten years of age, into their clutches by offering them fine clothes and shoes: once in the city they were made to sign contracts and provide sureties for their observance, or kept imprisoned in brothels.<sup>84</sup>

To turn to a minor issue, the church viewed the baths with displeasure. Mixed bathing it naturally condemned as an incitement to sin, but it also disapproved of bathing in general. 'He who has once been bathed in Christ has no need of a second bath', wrote

Jerome. Augustine allowed nuns to go to the baths only once a month, unless by doctor's orders. Pious Christians had doubts even about this. The Palestinian hermit Barsenuphius was asked: 'Since I am ill, and my doctor has ordered me to take baths, is it a sin?' He replied: 'Bathing is not absolutely forbidden to a man in the world, when need demands. So if you are ill and need it, it is not a sin. But if a man is healthy, it cossets and relaxes his body and conduces to lust.' In this sphere the church's censure was utterly ignored save by a puritanical minority. The baths remained a great social institution among rich and poor alike. Even the clergy did not always conform to the church's teaching; bishop Sisinnius, it will be remembered, shocked his Novatian congregation by bathing twice a day.<sup>85</sup>

Christian writers consistently and unanimously condemn the games in all their forms. They had a special objection to gladiatorial shows and wild beast hunts as being organised murder. They had an even stronger objection to theatrical displays, both because they enacted pagan myths and because they were normally suggestive and indecent. But all games, including chariot races, came under the church's condemnation as being frivolous distractions and because they were by origin celebrated in honour of pagan gods and were still associated with pagan festivals. Not only actors and actresses but charioteers were refused baptism unless they renounced their profession and excommunicated if they resumed it.<sup>86</sup>

Here the church secured one victory. Constantine prohibited gladiatorial shows in 326, and in the Eastern parts, where they were a Roman importation and had never been very common, the law seems to have been effective. Libanius in his autobiography recalls with nostalgic melancholy 'those single combats in which fell or conquered men who, one could say, were disciples of the three hundred at Thermopylae': though he did not watch the show and was sickened by the sight of blood, he could not as a good pagan condemn gladiators. He is speaking of the Antiochene Olympia of 328 and implies that he had seen none since. In the West gladiatorial games continued until the reign of Honorius, when an Eastern hermit, Telemachus, sacrificed his life to stop them, leaping into the arena and thrusting himself between the contestants. Wild beast hunts, however, which might be just as murderous, went on; the puritanical and economical Anastasius banned them in 499, but they were soon revived.<sup>87</sup>

Anastasius also banned the mime a few years later, with equal lack of success. One form of theatrical entertainment, the *maimuma*, which Christian opinion particularly condemned for its licentious

character, was occasionally prohibited by the imperial government, but never, it would seem, for long. In 396 Arcadius conceded 'that the pleasure of the *maiuma* should be restored to the provincials, on condition that decency is preserved and modesty is maintained with chaste morals'. Three years later he felt obliged to prohibit 'the filthy and indecent spectacle of the *maiuma*'; but Justinian's Code preserves only the former law.<sup>88</sup>

The evidence is overwhelming that Christians of all classes from the richest to the poorest took a passionate interest in all forms of games, wild beast hunts, the mime and the *maiuma*, and above all chariot races. Not even all the clergy were resolute against them. When, in about 430, Leontius the prefect announced that he was going to revive the Olympia in the theatre of Chalcedon, a local abbot, Hypatius, raised the cry of idolatry—though he had no idea what happened at the Olympia—and asked Eulalius the bishop of Chalcedon to protest. But Eulalius told Hypatius to mind his own business.<sup>89</sup>

In the *de Gubernatione Dei* Salvian denounces his Christian contemporaries on three main counts, the laxity of their sexual morals, their passionate addiction to the games, and their heartless oppression of the poor. The first two charges seem to be justified, the last is borne out by much factual and detailed evidence in the Codes and in the canons of the councils, in the letters of laymen and ecclesiastics, in the speeches of Libanius and the sermons of bishops, in the biographies of saints and in the papyri. There were many good Christians who were charitable to the poor, but many more who abused their wealth and position to exploit their necessities, lending them money at usurious rates of interest, enslaving them when they were starving, juggling with the assessments to throw on them more than their due of taxation, extorting from them extra perquisites beyond their lawful rent and cheating them by the use of false measures. It is difficult to assess whether in these matters the general level of morals was lower than it had been under the pagan empire, but it seems to have been no higher. Pliny the younger reveals himself in his letters as a more considerate landlord than were the rectors of the patrimony of St. Peter under Gregory the Great.

In some aspects of morals it is possible to trace a decline. The Codes give a very strong impression that brutality increased. In dealing with slaves, and from the middle of the second century onward the lower orders generally, the Roman administration had always been brutal. Torture was freely used to obtain evidence and extract confessions, flogging was arbitrarily inflicted, and the penalties for crime were often savage. Under the Christian



emperors flogging and torture seem to have been used more and more as a matter of course, and were extended to classes hitherto exempt from them. Savage penalties, such as burning alive, were applied to a wider range of offences by successive emperors.

Official extortion and oppression and judicial corruption seem also to have increased. The Roman administration had never been free of these evils, but there was certainly a marked decline, which appears to be progressive, from the relatively high standards attained in the second and early third centuries. A definite decline in public morality can be traced in the sale of offices, which from being an exceptional abuse became a standard practice. It lay at the root of extortion and corruption, which concurrently became accepted as normal.

It is strange that during a period when Christianity, from being the religion of a small minority, came to embrace practically all the citizens of the empire, the general standards of conduct should have remained in general static and in some respects have sunk. If the moral code taught by the church was not notably higher than that of pagan philosophy, it was preached with far more vigour to a far wider audience, and was backed by the sanction of eternal punishment in the next world. In all the churches of the empire Christians received regular exhortation in sermons; there was a flood of homiletical literature; and sinners were disciplined by penance and excommunication.

One reason for the church's failure may have been that it set its standards too high, and insisted too strongly that any major lapse entailed eternal damnation. It had built up its code when it was a small exclusive society of the elect. When after the Peace of the Church it became mingled with the world, its demands became intolerable. This is the main explanation of the tremendous appeal made by the eremitic and monastic life. Some Christians sought the solitude of the desert to achieve a higher spiritual life. They yearned by mortifying the flesh and devoting their whole life to the study of the scriptures, meditation and prayer to obtain an intimate mystical knowledge of God. There survives a large body of devotional literature which gives psychological guidance to such aspirants. The vast majority of monks and hermits, however, had a simpler and lowlier ambition, to shun the distractions and temptations of the world and thus to make it possible for themselves to escape eternal damnation.

In one passage John Chrysostom affirms that it is perfectly

possible for a Christian to live an ordinary life and save his soul. 'Where now are those who say that it is impossible for a man to preserve his virtue living in the midst of a city, and that withdrawal and life in the mountains is essential, and that a man who is head of a household and has a wife and looks after his children and slaves cannot be virtuous?' He hastily adds, 'not that I discourage withdrawal from cities or forbid life in the mountains and deserts', and his general tone is very different. He stresses the temptations and distractions of secular life and paints an idyllic picture of the peace and quiet enjoyed by the monks. The cities, he declares, are so evil 'that those who wish to be saved are forced to seek the desert' and he urges all his flock not only to send their sons to the desert but to go there themselves en masse. John is exceptionally enthusiastic on this theme, but most Christian writers advocate the monastic life not as a special vocation for the spiritually minded but as a means of salvation for the ordinary men and women. When the emperor Maurice forbade serving soldiers and officials indebted to the treasury to enter monasteries, Pope Gregory could scarcely bring himself to execute this decree. 'I am terribly frightened by this constitution, I confess to your majesty, for by it the way to heaven is closed to many, and what has hitherto been lawful is now prohibited. For there are many who can live a religious life even in secular garb. And there are some who unless they leave everything can in no way be saved before God.'<sup>90</sup>

Countless earnest Christians, who despaired of saving their souls in the world, flocked to the deserts or crowded into monasteries. Many others, who had the means to do so, lived austere and secluded lives of prayer and meditation within their own homes, as did the noble ladies with whom Jerome corresponded. The great majority of ordinary Christians, who had their families to keep and their livings to earn, and could not bring themselves to make the great renunciation, placed their hopes of salvation in the sacrament of baptism, which washed away all sin.

This is the explanation of the apparently common practice of postponing baptism to the last minute. This habit is denounced in sermons and pamphlets by Basil of Caesarea, Gregory of Nazianzus and Gregory of Nyssa. There were no doubt, as these authors say, cynics who wished to indulge themselves and then to win salvation by a deathbed baptism. But there were probably more who were afraid that they would not be able to keep to the straight and narrow path, and preferred to be on the safe side.<sup>91</sup>

Late baptism was apparently by this time generally considered to be wrong, since offenders alleged specious excuses, such as a

desire to be baptised in Jordan. It is very difficult to estimate how common the practice was. Infant baptism was already common in the early third century, and children in Christian families were no doubt generally baptised early owing to parental anxiety for their salvation. But down to the end of the fourth century we know of a number of pious Christians who postponed their baptism till late in life. The case of Constantine is well known. It is more remarkable that his son, Constantius II, who was brought up as a Christian and was morbidly pious, was not baptised until shortly before his death. Theodosius I, a convinced Christian from a Christian family, was in his middle thirties when he received baptism, and only received it then because he was seriously ill. Ambrose was still a catechumen, though he came of a very pious family, when he was elected bishop of Milan, and his brother Satyrus was baptised only shortly before his death. An inscription records that Junius Bassus, who died during his prefecture of the city at the age of forty-two, 'went to God a neophyte'. Another inscription commemorates a humbler Roman, a man of exemplary virtues, who died a neophyte at the same age in 396.<sup>92</sup>

In the fifth century we hear no more of late baptisms. Infant baptism was probably by now normal for children of Christian parentage, though there were local variations of practice. Zacharias of Mitylene explains that Severus was still a catechumen when he went to Alexandria as a student, because it was the custom in his country, Pisidia, not to baptise until the beard began to grow. But it is significant that Zacharias thought Severus' case required explanation; and even in Pisidia youths received baptism before they embarked on the hazards of adult life.<sup>93</sup>

A baptised Christian who fell into serious sin had a second chance in the sacrament of penance. In the Western church the primitive rigours of penance were maintained down to the sixth century. It was a humiliating and exacting process. Penitents had to wear a distinctive garb and stand or kneel in special parts of the church. They were excluded from the eucharist, and had to perform extra fasts and to refrain from carnal pleasures. All this they might have to do for as much as ten or twelve years, in the case of the worst sins, before they were reconciled. Many people naturally shrank from the ordeal, but there were other reasons for deferring penance as long as possible. It was granted once and once for all. There was no assurance of forgiveness if one sinned after penance, and to avoid the risk of sin the church imposed a severe discipline on penitents for the rest of their lives. They might not marry and must observe continence if already married: Pope Leo conceded with some hesitation that a young man who had received penance

owing to fear of death might be excused if he subsequently married to avoid the greater sin of fornication. They might not engage in trade, nor practise at the bar nor serve in the army or the civil service. To the ordinary man, with his living to earn and his family to keep, penance was impracticable until he could retire on his savings, and most people preferred to postpone it until their deathbeds, when the church would take their intention on trust and give them absolution—though if they recovered they had to undergo the full rigours. Preachers like Augustine or Caesarius deprecated postponing penance until the very last moment, but it is clear that the latter at any rate did not expect it to be undertaken except by the elderly.<sup>94</sup>

Owing to the very exacting standards demanded by the church, especially in sexual morals, many Christians despaired of leading a sinless life. In the fourth century many, if they had not been baptised in childhood, remained catechumens all their days, relying on a last minute baptism to secure salvation. In the fifth and sixth centuries, when most people were baptised in infancy or at any rate as adolescents, they relied on deathbed penance. In these circumstances many who started with the best intentions may have come to feel that having sinned once or twice it did not matter if they sinned again: the final result would be the same.

In the Eastern churches the primitive discipline of penance seems to have been relaxed from the end of the fourth century. The rot began, according to Socrates and Sozomen, when Nectarius, bishop of Constantinople under Theodosius I, owing to a scandal, abolished the penitentiary priest, whose office it had been to hear confessions and order the appropriate penance. Henceforth sinners were left to fix their own penance at their own discretion, and it seems to have followed that penance, instead of being a solemn rite enacted once for all, might be repeated as often as required. The repetition of penance also crept in towards the end of the sixth century in the West: it was severely condemned as a pernicious innovation by the third Council of Toledo in 589. But it may be questioned whether it was not a healthy development, which enabled the average man to try again after lapses from virtue.<sup>95</sup>

The special decline in the civic virtues may be due to other causes also. The churches during the first three centuries of their existence had been societies consisting in the main of humble persons, and had included few who exercised authority. The moral teaching of the church had therefore naturally been directed to the life of the ordinary man, and the code of ethics which it developed was concerned with his problems. Pagan philosophers

down to the end of the fourth century produced countless works on the virtues and duties of kings. Christian writers have nothing to say on this topic, and but little on the duties of the citizen. For the most part they are content to repeat a few texts inculcating obedience to the authorities and payment of one's taxes.

In the second place the church had in its early days lived in expectation of the second coming of Christ, and as this hope faded had fixed its eyes on the life of the world to come. Christians regarded themselves as sojourners on this earth and unconcerned with its problems. Some regarded the imperial government as satanic, the majority accepted it as ordained of God, but all alike viewed it as an external power alien to themselves.

It was difficult for Christians to adjust their ideas when under Constantine the government became Christian, and they did so only very slowly and with imperfect success. One can sense the bewilderment of the bishops assembled at Arles in 314 in the seventh canon which they enacted. 'About governors who being of the faithful advance to a governorship, it was resolved that when they are promoted they shall receive ecclesiastical letters of communion with the reservation that wherever they administer, the bishop of the place shall keep an eye on them, and when they begin to act contrary to the rules of the church, then they shall be excluded from communion.' The bishops evidently felt that the imperial service was almost incompatible with membership of the church, and that if a baptised Christian took a government post he was highly suspect and only retained his membership during good behaviour.<sup>96</sup>

The church had never had to face the moral problems of a Christian placed in a position of secular authority, and on some very elementary points it was still in doubt almost a century after Constantine's conversion. The question was put to Ambrose whether a Christian judge who passed a death sentence should be excommunicated. He replied that he himself did not excommunicate in such a case, but he clearly had qualms. 'You will be excused if you do it, you will be praised if you do not . . . I know that many pagans often boast that they have brought back their axe unstained with blood from a provincial government. If pagans do this, what should Christians do?' The same question was put to Pope Innocent I: 'What about those who after baptism have held administrative posts and have either merely applied torture or have even pronounced a capital sentence?' Innocent replied that there was no ancient rule, but that as 'these powers had been granted by God and the sword had been permitted for the punishment of the guilty', those who wielded it were not blameworthy.<sup>97</sup>

The teachers of the church offered no inspiring advice to a Christian governor. They urged him not to oppress widows and orphans and not to pervert justice, but beyond such somewhat negative counsels they did not go. With regard to soldiers the attitude of Christian teachers was similarly hesitant and negative. Even in the fourth century some Christians held that Christianity was incompatible with military service: Basil held that a soldier who killed a man in the course of duty was guilty of murder and must be excommunicated. This extreme view found little support, but the church offered no positive message to soldiers: it was content with reiterating the advice of John the Baptist that they refrain from extortion and be content with their pay.<sup>98</sup>

The church long maintained the suspicious attitude of the Council of Arles to all forms of government service. An early papal letter declares: 'It is manifest that those who have acquired secular power and administered secular justice cannot be free from sin. For when the sword is unsheathed or an unjust sentence is pronounced or torture is applied for the requirements of the cases, or they devote their care to preparing games, or attend games prepared for them—they are making a large claim, not if they aspire to a bishopric, but if having undergone penance for all this they are allowed, after a certain time has elapsed, to approach the altar.' Pope Siricius and his successors debarred from holy orders all who after baptism had held administrative posts, or served in the army or the civil service, or had even practised as barristers. In the same spirit those who had performed penance and received absolution were forbidden to return to their posts. Government service, if not in itself sinful, was so perilous, so liable to lead to acts of extortion or cruelty, that it unfitted a man for the service of God and should not be risked by those who had no further opportunity of having their sins remitted. Many Christian writers adopt the same attitude. Augustine is somewhat exceptional in asking Caecilianus, who holds some public office, why he is still a catechumen, 'as if the faithful, the more faithful and the better they are, cannot administer the state the more faithfully and the better'. Paulinus of Nola writes in a very different tone, urging his correspondents to resign from their posts or abandon the official careers which they contemplated in order to take up a Christian life. 'Ye cannot serve two masters,' he quotes, 'that is the one God and Mammon, in other words Christ and Caesar.'<sup>99</sup>

In the pagan scheme of morality the service of the state in peace and war was a noble activity, and even philosophers, though they might prefer a life of contemplation, were in duty bound to under-

take it. A whole literature was devoted to the virtues required of a ruler, piety, justice, courage, temperance, self-control, and above all love of his fellow men. It is of course true that the majority of pagans in positions of authority did not live up to these ideals, but at any rate men of high character were encouraged to devote themselves to the service of the state. Good Christians on the other hand were made to feel that they were, if not sinners, falling short of the highest ideals, if they entered public service. Many good men preferred to live a life of retirement or take holy orders, and many that did take up an official career must have felt that having thus committed themselves to a sinful life, they might as well be hanged for a sheep as a lamb.

## CHAPTER XXIV

### EDUCATION AND CULTURE

CULTURALLY the Roman empire fell into two halves, the Latin-speaking West and the Greek-speaking East. The boundary was sharply defined. In Africa it lay in the desert separating the Romanised Punic cities of Tripolitania from the Greek cities of the Pentapolis. In Europe Greece and Macedonia and Epirus were Greek speaking, as were the four provinces of Thrace south of the Haemus range, together with the cluster of old Greek cities on the Black Sea coast as far as the mouth of the Danube. North and west of this line, in the dioceses of Dacia and Pannonia, and in the Danubian provinces of Thrace, Latin prevailed. There seem to have been no surviving enclaves of Greek in the West; Sicily and southern Italy had been Latinised by the end of the third century. Conversely the Roman colonies in the East had long been assimilated by their Greek environment.

The linguistic boundary in Europe, it may be noted, did not coincide with either the political or the ecclesiastical frontiers. The Eastern emperors always had some Latin-speaking subjects in Moesia Inferior and Scythia, and from 395 ruled the Dacian diocese, while in the fourth century some Western emperors ruled the diocese of Macedonia. The patriarch of Constantinople controlled a few Latin-speaking sees on the lower Danube, while the pope established his jurisdiction over the Greek churches of Macedonia, Epirus, Greece and Crete.

The linguistic cleavage grew sharper from the third century onwards. In the Ciceronian and Augustan ages cultivated Romans had been as much at home in Greek as in Latin. With the growth of a Latin literature and the development of an educational system based upon it, Greek inevitably fell into the background, but even in the latter part of the second century Marcus Aurelius wrote his intimate diary in Greek.

By the fourth century things had changed. Greek was still a regular part of the school curriculum, and not only the sons of



aristocratic families but boys from humble middle class homes like Augustine learnt from the *grammaticus* to construe Homer and Menander. But Greek was not continued at a higher level under the rhetor, and most boys never got beyond a rather elementary stage. Augustine admits that he hated Greek at school, and he never seems to have mastered the language, preferring to read Greek authors in translations, sometimes painfully verifying a passage with the aid of the dictionary. An aristocrat like Paulinus, Ausonius' grandson, brought up by Greek slaves, was able to read Homer and Plato when he was only five years old, but even aristocrats do not seem to have kept up their Greek in later life. So cultivated a nobleman as Symmachus had to rub up his Greek to help his son with his lessons. 'While my son is being initiated into Greek letters,' he writes to a friend, 'I have joined his studies afresh like a schoolfellow. Parental affection bids us become boys again, so that shared labours may instil the charm of literature into our children.'<sup>1</sup>

In the fifth century boys in aristocratic homes still learnt Greek. In Gaul Sidonius Apollinaris remembered enough to read Menander to his son in the 460s. In Africa Fulgentius, who was born in 467, learnt to pronounce Greek with a perfect accent thanks to his mother's care, knew his Homer by heart, and read most of Menander; but in later life, his biographer admits, he lost the habit of either speaking or reading the language. It may be doubted, however, whether Greek continued to form part of the regular curriculum taught in the schools. Even at the end of the fourth century competent teachers of Greek were evidently hard to find in the Western provinces. Gratian, though he ordained that Greek and Latin grammarians should be appointed in every provincial capital in the Gallic prefecture, at the same time expressed doubts whether a worthy candidate could be found for the post of Greek grammarian even at Trier, then the imperial capital.<sup>2</sup>

There were of course some scholars in the West who made a serious study of Greek, pagans like Agorius Praetextatus, who read the Greek philosophers, and Christians like Jerome and Rufinus, who wished to know the scriptures in the original and to study the works of Eastern theologians. In Italy there were still a few such scholars in the sixth century, Boethius for instance, Cassiodorus and Dionysius Exiguus; but their number was always very limited, and even men of learning relied for the most part on Latin translations of Greek works. These were produced in large numbers throughout the fourth, fifth and sixth centuries to meet the needs of an educated public to whom Greek literature

had become a closed book. But the number of translators capable of performing this work was small, and it is significant that two of the more celebrated, John Cassian and Dionysius Exiguus, were immigrants from the bilingual province of Scythia.<sup>3</sup>

The Greeks never ceased to look upon the Romans as barbarians: they regarded their own language and literature as supreme, and despised that of Rome. Latin was no part of the regular educational curriculum in the East, and Latin literature, whether secular or religious, was not read. An anecdote told by Cassian is significant. An Italian who became a monk in Egypt could write Latin book hand, but had no other skill. Wishing to provide him with work, his kindly abbot declared that he had a brother in the civil service well versed in Latin, to whom he wished to send a holy book. This was a pious fraud; the Latin book 'would be of no use or profit, since everybody in these parts is completely ignorant of that language'.<sup>4</sup>

Broadly speaking it is true to say that Greeks learnt Latin only from interested motives. Some few authors of Eastern origin wrote in Latin in order that their works might reach high senatorial society in Rome, with the curious result that the last of the Latin historians was Ammianus of Antioch, and the last of the Latin poets Claudian of Alexandria. But most Greeks learnt Latin from motives of a more crudely materialistic kind. In the fourth century Latin was the official language of the empire even in the Eastern parts, and a knowledge of the language was, if not essential, a useful asset to a man who aspired to rise in the administration, the army, or the law.

It is not easy to determine how far Latin was effectively used in the administration of the Eastern empire. The Roman government had from the beginning communicated with its Greek subjects in Greek. Laws and edicts were promulgated in an official Greek translation; letters and rescripts to Eastern provinces, cities and individuals were drafted in Greek; proceedings in the courts were conducted in Greek. In effect therefore Latin was used for very limited purposes only. Imperial constitutions were drafted in Latin, as well as in Greek, by the quaestor and his clerks: this was still so in Justinian's day, though by that time the master text was in Greek, and the Latin a translation, often inaccurate. Latin was also used down to the fifth century for internal records and inter-departmental correspondence in the higher levels of the administration. The papyri show that even in the fourth century Greek was almost exclusively used in the provincial offices and in that of the Augustal prefect, Latin being preserved only in the record of judicial proceedings. Even there it is used only in the formal

heading giving the date and place of the trial and the names of the judge and of the parties and their counsel, and for indicating the speakers in the course of the proceedings—'Flavius Hesychius v.p. praeses dixit'. In the praetorian prefecture of the East, however, it was only Cyrus, prefect in 439-41, who abolished the use of Latin, and John Lydus, who strongly deplored the change, has preserved a number of the old Latin formulae which had been in use until that date.<sup>5</sup>

In the army Latin was more persistent. Under Constantius II the official letter from Flavius Valacius, *dux* of Egypt, to Flavius Abinnaeus, *praepositus* of Dionysias, is in Latin, and Flavius Abinnaeus drafted his petition to the emperor, protesting against his dismissal, in that language. Under Anastasius a formal letter from the *comes* of the Thebaid to the tribune of Hermopolis is in Latin. Even in the early sixth century then, it would appear, clerks in the military offices had to have enough Latin to understand and draft formal administrative communications.<sup>6</sup>

In the law Latin was still important in the fourth century. Not that it played any significant part either in court proceedings or in the drafting of legal documents. By an old rule the formal written judgment had to be in Latin, until in 397 the use of Greek was permitted even for this purpose. By another old rule the wills of Roman citizens had to be drawn in Latin. It is not known when this rule was relaxed, but it was certainly before 439. But even while these rules remained in force it only meant that the notaries and clerks of the court had to know how to write out certain more or less stereotyped formulae. Even barristers, if they were prepared, as many were, to take their law from a jurisconsult, needed no Latin; they spoke in court in Greek, and imperial constitutions were cited in their Greek versions.<sup>7</sup>

Nevertheless for a real legal training, such as was increasingly demanded of barristers, Latin was necessary. The sources of the law, the works of the old jurisconsults and the standard collections of imperial constitutions, were all in Latin, and the teaching of law at Berytus and Constantinople seems to have been conducted in Latin until the end of the fourth century at any rate: Libanius links Latin and law as the twin enemies of Greek higher education. It is not certain when Latin was replaced by Greek as the language of instruction at Berytus, but two early fifth century professors, Cyril and Patricius, wrote text books and commentaries in Greek. For a really scholarly knowledge of law Latin of course remained necessary until Justinian's day, since the bulk of the legal literature remained untranslated. But when the Institutes, the Digest and the Code, with subsequent Novels, became the sole sources of law,

they were forthwith translated into Greek, and Latin ceased to be essential even for the academic lawyer.<sup>8</sup>

In the fourth century then a rather rudimentary knowledge of Latin was required of notaries and of civil servants in the judicial branches of the provincial *officia*, in the military *officia*, and in the praetorian prefectures and the palatine ministries. A competent grasp of the language was needed by jurisconsults and by barristers who were not content to be mere orators. A full rhetorical training in Latin was essential only for the clerks of the *sacra scrinia* who drafted imperial pronouncements. But at this period Latin might still be socially useful to aspirants to high office. Some of the emperors who ruled at Constantinople came from the West and were more at home in Latin than in Greek: Constantine, though he could speak Greek fluently enough, preferred to read the dissertations on the faith, which Eusebius of Caesarea sent to him, in a Latin translation. These emperors often promoted to high offices of state Westerners, whose native language was Latin. Rufinus, the Aquitanian barrister appointed praetorian prefect of the East by Theodosius I, apparently knew little or no Greek—at any rate he told Libanius that he had to have his letters translated to him. A Latin-speaking Greek might then stand a better chance of gaining the ear of the emperor or his influential friends.<sup>9</sup>

In the fifth century the usefulness of Latin declined. It ceased to be necessary for barristers, notaries or civil servants, except in the military offices and the *sacra scrinia*. With the final division of the empire the court became exclusively Greek in language and culture. Latin became a learned language needed only by academic lawyers and legal draftsmen.

Elementary Latin must have been widely taught in the East in the fourth century: among the papyri of Egypt are many Greco-Latin *abecedaria* and vocabularies, and texts of Virgil's *Aeneid* and Cicero's *Catilinarians* with word for word Greek translations in parallel columns. Higher teaching must have been harder to come by; wealthy Antiochene parents, according to Libanius, sent off their sons to Berytus or even to Italy to learn Latin and law.<sup>10</sup>

It seems probable, however, that a full Latin education in both grammar and rhetoric was always available at the imperial capital. Lactantius was professor of Latin at Nicomedia under Diocletian, and in the state university of Constantinople, inaugurated in 425, ten chairs were established of Latin grammar—as many as of Greek—and three chairs of Latin rhetoric—as against five of Greek. The large number of Latin professorships was no doubt inspired less by practical needs than by motives of prestige—Latin was the

language of the Romans, and Constantinople the second Rome. These chairs were sometimes occupied by distinguished Latinists from the West: the great grammarian, Priscian, from the Mauretanian Caesarea, taught at Constantinople in the early sixth century. But the local candidates for the professorships were not always of such high calibre. John Lydus, to judge by his surviving works, was no profound Latinist—he had learnt Latin with a view to becoming a *memorialis*—but Justinian deemed him worthy of one of the grammarians' chairs.<sup>11</sup>

The linguistic cleavage between East and West accentuated and prolonged doctrinal controversies. Latin and Greek theologians spoke different languages both in the literal and in the figurative sense of the words. Unable to read one another's works, they thought along different lines, and developed different technical vocabularies. Even in the early fourth century Constantine found it difficult to find anyone to explain to him the complexities of the Eastern heresies. Strategius, an Antiochene, who, owing to his mastery of both Greek and Latin, was able to perform this function, made his fortune by it, rising to be a *comes* and ultimately praetorian prefect of the East. In the last stages of the Arian controversy agreement between Basil and his school and Damasus and Ambrose was long postponed because Latin-speaking theologians could not understand the difference between *οὐσία* and *ὑπόστασις*, both rendered *substantia* in the dictionaries. When Pope Leo's delegates at Ephesus could contribute nothing to the discussion, except an occasional '*contradicitur*', and had to fall back on an interpreter to make any longer statement, real understanding between the Eastern and Western churches was difficult.<sup>12</sup>

Within their respective zones Latin and Greek were the sole languages of administration and law, and with a very few minor exceptions, of literature, secular and Christian, and of polite intercourse: they were, indeed, almost the only written languages. East of the Euphrates, in Osrhoene and Mesopotamia, Syriac had survived, not only as a spoken, but as a written language, and it was adopted by the local churches as the language of the liturgy. Not only were the scriptures and many Greek theological works translated into Syriac, but a considerable mass of original literature, mostly chronicles and hymns, was produced from the fourth century onwards. Syriac enjoyed in this area the status of a literary language. It was taught in the schools of grammar and rhetoric, as were Latin and Greek, and it was possible in Osrhoene and

Mesopotamia for an educated man to know no Greek: even bishops from that area sometimes subscribe to councils in Syriac.<sup>13</sup>

In Egypt the indigenous language did not maintain a continuous literary tradition, and failed to achieve the same status as did Syriac. Under the Principate the demotic script was less and less used, and seems to have died out before the end of the third century: Egyptian thus became a mere peasant *patois*. During the third century the Greek alphabet, with the addition of a few demotic characters, was adapted for writing Coptic. But even when it thus again became literate, it remained the language of the lower classes only. No educated Egyptian deigned to write in Coptic, and Coptic literature, apart from translations, was confined to popular lives of the saints.<sup>14</sup>

In the Latin zone no indigenous language even achieved literacy, and the only rival to Latin was Gothic. When the Goths were converted to Christianity in the latter part of the fourth century, the scriptures were translated into their language, a special alphabet, mostly derived from Greek, being devised to write it. The language and alphabet continued to be used by the Gothic church, but it would seem as if only the clergy learned to write their native tongue. The Gothic kings invariably used Latin for administrative and legal purposes. Even the clergy appear often to have preferred Latin. In a deed dated 551, whereby the Gothic church of Ravenna surrendered some property to a creditor, all the clergy, who numbered eighteen, appended their subscriptions. Of the ten who were literate, six subscribed in Latin and only four in Gothic.<sup>15</sup>

Though the documents make it clear that Greek and Latin were, with these minor exceptions, the only written languages, it is much more difficult to estimate how far they were the normal speech of the mass of the people. There were of course areas where they were indigenous or had long superseded the native tongues. Latin was the only language of Italy, and probably had ousted Celtic, Ligurian and Iberian in southern Gaul and in eastern and southern Spain.

The survival of Welsh and Cornish implies that Celtic was still the dominant language in Britain when it was lost to the empire in the fifth century. There is evidence for the survival of Celtic in Gaul at the same period. Sulpicius Severus in the *Dialogus* represents Gallus, a disciple of Martin of Tours, as apologising to the Aquitanian Postumianus for the rusticity of his Latin, and Postumianus replies: 'Talk in Celtic or in Gallic, if you prefer, so long as you talk about Martin.' The jesting allusion implies that Celtic was a living language in central Gaul when Sulpicius

wrote. Nor is there any reason to doubt that when Jerome stated that the dialect of the Galatians of Asia Minor closely resembled that spoken around Trier he was speaking from personal knowledge.<sup>16</sup>

The survival of Basque demonstrates that Iberian still flourished in the mountains of northern Spain throughout the period of Roman rule, and Severus of Minorca, writing in 418, speaks of 'a very fine hail which the inhabitants of that island call "albigistinum" in their native language'.<sup>17</sup>

For Africa the evidence is fuller and more explicit. Augustine frequently alludes to Punic as the language of the people. On several occasions he used a Punic interpreter to conduct arguments with Donatists, especially circumcellions, and when he established an episcopal see at Fussala, a country town in his own diocese, he looked out for a Punic speaker to fill it. From words which Augustine quotes it is clear that the language which he calls Punic was Phoenician, which had survived in the coastal areas from the days of the Carthaginian domination of Africa. The survival of Berber in modern Algeria shows that inland the old indigenous language continued to be spoken.<sup>18</sup>

For Illyricum there is no contemporary evidence, and we have to rely entirely on the evidence of survival. On the one hand the wide currency of Vlach, especially in the northern Balkans, suggests that Latin must have been the dominant language of the Danubian provinces. On the other hand Albanian represents the indigenous Illyrian tongue, which must have prevailed in the mountains of Dalmatia.

In the Eastern half of the empire Greek was spoken not only in Greece proper, Macedonia, Epirus and the islands of the Aegaeon, but in the western districts of Asia Minor, where Lydian and Carian had long been extinct, and along most of its southern coast, in Lycia, Pamphylia and Cilicia, and in Cyprus. In Thrace, however, the native language survived. John Chrysostom states that the scriptures were translated into Thracian and Gregory of Nyssa speaks of Thracian as a living tongue: even in the sixth century the services in the monastery of the Bessi in Palestine were conducted in their native language.<sup>19</sup>

In the interior of Asia Minor also native languages persisted. Jerome states that the Galatians still spoke Celtic in his day, and in the middle of the sixth century Cyril of Scythopolis tells of a Galatian monk in Palestine who was struck dumb, and who, on recovering his speech, could at first talk only in Galatian. Basil of Caesarea in one of his sermons alludes to Cappadocian as a language familiar to all his hearers. In the latter part of the sixth century

we are told of a Lycaonian, who knew no Greek; when he was miraculously cured at the shrine of S. Martha at Antioch, he glorified God in his own language, while his companion, who did know Greek, interpreted his story to the wondering crowd. At the same period an Isaurian who had returned from Antioch to his native town was cured of paralysis, and all the people, seeing the miracle, cried aloud in their own tongue. For northern and north-eastern Asia Minor evidence is lacking, but it seems likely that in these remote and backward areas the native languages survived.<sup>20</sup>

For Syria and Palestine the evidence is much more abundant, and it is clear that Syriac was the normal language of the peasantry and of the lower classes in the towns. John Chrysostom in one of his sermons speaks of the country folk who came into Antioch on the Sunday before Palm Sunday as 'a people divided from us in language, but agreeing with us in faith'. Publius, a decurion of Zeugma, who founded a monastery in the desert, at first had Greek speaking disciples only. Later Syriac-speaking peasants wished to join the community, and Publius, remembering the text 'Go teach all nations', felt obliged to admit them. But the Greek and Syriac-speaking monks lived separately, meeting only for divine worship, which they each celebrated in their own tongues. Many of the famous hermits of the Syrian desert knew no Greek: Macedonius, known to the people as Gubba, when he went into Antioch to intercede for the city after the Riot of the Statues, spoke to the imperial commissioners through an interpreter. Theodoret, on meeting the hermit Thalalaeus, was at first surprised to find that he spoke Greek; it later transpired that he was a Cilician by origin. In Palestine one of the martyrs in the Diocletianic persecution was Procopius, a reader of the church of Scythopolis, whose function it was to translate the service into Syriac for the benefit of the humbler members of the congregation. The hermit Hilarion, when he visited Elusa, was greeted by the townsfolk in Syriac. When Porphyry, bishop of Gaza, was perplexed as to how to demolish the solidly built temple of Marnas, a small boy was inspired to instruct him in Greek; miraculously, as it appeared, for it was found that neither the boy nor his mother could speak the language.<sup>21</sup>

From Egypt the evidence is fullest and most instructive. The papyri would at first sight suggest that Greek was the normal language used by all classes in town and country alike. Not only are all administrative documents, even those addressed to or proceeding from village headmen and tax receipts issued to peasants, written in Greek, but so are all leases, contracts and



other business documents, down to the loan of a *solidus* or two and yearly tenancies of two or three *arurae*. The vast majority of private letters, even from the humblest folk, are written in Greek.

A closer study of the papyri shows that the first impression is misleading. The legal documents were written by professional notaries, who often also wrote the subscriptions and affidavits of the parties, who are declared to be illiterate, or to 'write slowly'—they could presumably just spell out their names in Greek. Many administrative documents were also written by professional scribes, and a study of the hands in which private letters are written, and a comparison of the texts of the letters with their signatures, shows that a very large number of them also are the productions of professional letter writers.<sup>22</sup>

The papyri thus prove that a high proportion of the humbler ranks of society, both rural and urban, were illiterate in Greek. Other evidence suggests that they could not speak the language either. In a trial held in 340 the headman of the village of Caranis addresses the court through an interpreter. When at the end of the fourth century a party of Greek visitors was touring the Egyptian monasteries, one of their hosts, the abbot Apollonius, picked out three of his monks who knew both Greek and Egyptian to escort them to their next objective, 'so that they might both interpret for us, and also edify us by their conversation'. In the sixth century the government yielded so far as to post some public notices in Coptic as well as in Greek.<sup>23</sup>

It may be conjectured that similar conditions prevailed in many parts of the empire. There seems to have been a sharp cultural cleavage between the upper classes, who had not only received a literary education in Latin and Greek, but probably spoke one or other of these languages, and the mass of the people, who were not only illiterate, but spoke in a different tongue. From the evidence cited above it is clear that many of the common people, not only peasants but townspeople, had no knowledge of Greek or Latin. On the other hand many of the upper classes evidently could not speak the language of the people. Augustine knew a few words of Punic, but could not conduct an argument in it, and seems to have found some difficulty in finding among his clergy men who knew Punic. In one of his sermons he translates a Punic proverb into Latin, 'since not all of you know Punic'. In the Egyptian courts the judges and advocates, though local men, could not understand evidence given in Egyptian. There must, it is clear, have been a fairly large number of people who were bilingual, notaries and scribes, professional interpreters for the courts, bailiffs and agents

who acted as intermediaries between landlords and their tenants and labourers. Many of the rural clergy must also have been bilingual; in Egypt they often acted as scribes for their humble parishioners.<sup>24</sup>

The extent of Hellenisation and Latinisation in the various parts of the empire is very difficult to gauge, and naturally varied very greatly from district to district, and from town to town. In general it was the rural areas, the villages and the remote country towns which were least Latinised or Hellenised. In the larger cities it is likely that many or most of even the lower classes spoke Latin or Greek: Augustine would not have written his Psalm against the Donatists in simple colloquial Latin unless 'the very humblest masses and the altogether uneducated simple folk' in Hippo and the larger cities of Africa had been Latin speaking.<sup>25</sup>

On the whole it would seem, however, that in large parts of the empire it was only a thin upper crust which was Latinised or Hellenised. The evidence of survival is here particularly suggestive. In Syria and Egypt Greek does not seem to have outlived the end of Roman rule by more than about a century. It was maintained by the Arabs as their administrative language until the middle of the eighth century, but when the caliphs ordered the use of Arabic in the government offices it quickly died out. Syriac and Coptic, on the other hand, were adopted by the local monophysite churches as their liturgical and literary languages, and continued to flourish down to the late middle ages. In central and eastern Asia Minor the native languages were ultimately ousted by Greek, but after several more centuries under a Greek-speaking government and church: in the sixth century, as the evidence cited above shows, the native languages were still alive, and may well have been dominant.

In the Western parts of the empire also it is on the whole in areas which continued after the fall of the empire to be ruled by Latin-speaking governments that the Romance languages have prevailed. In Africa Latin disappeared, but Berber has survived to the present day. In Britain, where the Celtic population set up its own government after the collapse of Roman rule, Celtic and not Latin survived, and in similar circumstances in north-eastern Spain Basque has prevailed, as has Albanian in Dalmatia. The final victory of Latin over Celtic and Iberian in Gaul and Spain may well have been achieved under the Merovingian and Visigothic kings.

When therefore we speak of the culture of the empire, we must remember that it was the culture of a very small minority. In many areas the bulk of the population could not understand either of the languages which were the vehicles of culture, and throughout

the empire the peasants and the labourers, the craftsmen and the shopkeepers who formed the majority of the urban population were for the most part illiterate.

Education fell into three stages, the primary school which taught the three Rs, the grammar school, and the school of rhetoric. The primary schoolmaster was a very humble personage. In the Diocletianic tariff his scale of pay is fixed at 50 denarii a month per pupil, as against the 200 and 250 allocated to the grammarian and the rhetorician respectively, and he was denied the immunities and privileges which they received. Seeing that in the tariff craftsmen are given daily wages of 50 or 60 denarii, plus their keep, it is clear that a primary schoolmaster would have had to have a large class in order to live on the same scale as a mason or a carpenter.<sup>26</sup>

Primary schools must have existed not only in cities but also in some villages, to produce the rural notaries and letter writers, clergy, agents and clerks, but we hear little of them. Theodoret talks of a catholic priest named Protogenes, who was exiled by Valens to Antinoopolis, and found to his distress that most of the population were pagans. He opened a school, which seems to have been primary, since the syllabus included shorthand, and by using biblical texts as exercises he instructed his pupils in the Christian faith. John of Ephesus tells of two holy men, Simeon and Sergius, who settled in a village near Amida, and earned their living by keeping a school in which they taught thirty or forty infants and boys. Such schools taught reading and writing and arithmetic: Augustine in his *Confessions* recalls his boredom as a small boy, chanting the dreary tables—'unum et unum, duo: duo et duo, quattuor'. Instruction was in Latin or Greek only, except in Egypt and Mesopotamia (and probably Syria), where Coptic and Syriac were also taught.<sup>27</sup>

These schools were attended by the children of middle class parents and by some poor boys; among the aristocracy the first stage of education seems generally to have been given by a private tutor, usually a slave. Higher education was for all practical purposes reserved to members of the upper and middle classes, roughly from decurions upwards. Not only could few poor parents afford to keep their children idle when they might have been earning, but the fees were four or five times as high as at an elementary school. Moreover grammatical and rhetorical schools were not to be found in every city—Augustine received his elementary education at his home town of Tagaste, but his father

had to send him to Madaurus for his grammar and rhetoric. A boy might therefore have had to be boarded at some distance from home for several years, and a slave had to be provided to serve as his *paedagogus*. In these circumstances it is not surprising that only an exceptionally brilliant and ambitious poor boy could achieve a higher education, as did Aetius, who paid for his education by acting as his professor's personal servant.<sup>28</sup>

Unlike elementary education, which received no encouragement from the state, and was left entirely to private enterprise, higher education was favoured and subsidised. The state maintained a number of chairs at Rome and Constantinople, whose occupants were paid salaries from public funds, and most important cities had municipal chairs maintained from the civic revenues. Grammarians and rhetors who held these official posts enjoyed many privileges, originally granted under the Principate and carefully maintained by later emperors, including exemption from military service, billeting and all *sordida munera*, and, most important of all, immunity from curial obligations.<sup>29</sup>

It is difficult to say how many cities maintained official professors, for we naturally hear most of municipal chairs at the greatest cities, such as Milan and Carthage in the West, and Athens, Nicomedia or Antioch in the East. A law of Gratian orders that chairs of rhetoric and of Greek and Latin grammar should be established from state funds in the most populous cities, by which are apparently meant the provincial *metropoleis*, throughout the Gallic prefecture; which would seem to imply that in some provinces even the capital cities had hitherto lacked endowed chairs. On the other hand in the East, apart from the exceptional case of Athens, we know of municipal chairs at Nicaea and at Gaza, which were not capitals of provinces.<sup>30</sup>

There were no universities in the mediaeval or modern sense of the word, corporate institutions which provided regular courses of instruction, held examinations and granted degrees. There were however a number of what may be loosely called university towns, which had an established reputation as centres of higher education, where the celebrated teachers tended to congregate, and whither students flocked from all quarters of the empire. Besides the two capitals there were, for instance, in the West Carthage and Bordeaux, in the East Alexandria and above all Athens. But higher teaching was by no means confined to such centres, and a celebrated teacher like Libanius might make Antioch a serious rival to them as long as he lived; he drew pupils not only from Syria and Palestine but from many provinces of Asia Minor.<sup>31</sup>

The length of the course was fluid. Three years seems to have

been normal for the rhetorical stage, but a serious student with ambitions to become a professor himself might go on studying for far longer. There were no formal examinations or degrees. Students demonstrated their talents by the public declamations which they delivered as part of their training, and the nearest thing to a degree was a letter of recommendation from the professor under whom one had studied.<sup>32</sup>

Some university towns had their specialities over and above the normal course of grammar and rhetoric. Alexandria was celebrated for mathematics, astronomy and medicine; Athens, with its ancient endowed chairs of the various schools, was the acknowledged centre of philosophical studies, though philosophy was also taught at Rome and Constantinople. The two capitals also provided instruction in law, but the great centre of legal studies was Berytus. In this field teaching was more systematically organised. There was a regular four year course, with a set syllabus for each year, and students who had completed it to their professor's satisfaction obtained a formal certificate, which in the late fifth century became an official qualification for being called to the bar. In these specialised fields, as in the normal literary course, the more celebrated centres of study enjoyed no monopoly until Justinian prohibited the teaching of law except at Rome, Constantinople and Berytus.<sup>33</sup>

At Constantinople Theodosius II in 425, when he greatly increased the number of official salaried professors, gave to them the monopoly of higher education in the capital. This was a unique privilege. In all the other cities of the empire, including Rome, and in Constantinople at an earlier date, it was free to anyone to open a grammatical or rhetorical school, and many grammarians and rhetors ran successful schools, either in rivalry with the official professors in the greater cities, or in cities which lacked official chairs.<sup>34</sup>

Such private schools seem to have existed in quite small places. Libanius wrote to Paeoninus, who taught rhetoric at Tavium, a minor city of Galatia, recommending to him a pupil of his own who proposed to open a school, probably of grammar, in the same town. Ausonius tells of a barrister of Burdigala named Dynamius, who having been involved in a scandal in his native city, migrated to the little Spanish city of Ilerda, where he became a successful teacher of rhetoric under the assumed name of Flavinius. Augustine started his teaching career by opening a private school in his home town of Tagaste, and having built up a reputation, moved first to Carthage and then to Rome. It was not until he was thirty that the city council of Milan, on the advice of Symmachus, prefect of the

city of Rome, appointed him to their official chair. Libanius was encouraged to open a school at Constantinople by a friend, who promised him an audience of forty young men from the best families: his friend let him down, but he opened his school none the less, and soon, as he proudly boasts, had over eighty pupils. Feeling, as may be imagined, often ran high between the established professors and young freelance teachers who threatened to outshine them and steal their pupils. Libanius' success brought him the bitter enmity of the two official rhetors of Constantinople, who with the aid of Limenius, a newly appointed governor, made the city too hot to hold him.<sup>35</sup>

The Roman and Constantinopolitan chairs were filled by the senates of the two capitals, the civic chairs by the councils of the cities. Julian, who was not only keenly interested in higher education, but anxious to secure that men with the right religious views should be chosen, ordered that all appointments should be submitted to him for his personal approval, but this rule seems to have fallen into desuetude after his death. The Eastern emperors, however, often intervened in the appointment of professors in Constantinople. There was naturally keen competition among grammarians and rhetors for the salaried posts, and equally keen competition among the cities to secure outstanding men for their chairs.<sup>36</sup>

The subsequent career of Libanius well illustrates both the bitter rivalries between the professors and the intrigues in which they indulged, and also the strong interest which the councils took in the appointments. By the time he was hounded out of Constantinople Libanius had established his reputation as a teacher, and he had no difficulty in securing a post. He would have gone to Nicomedia, but that his enemy, Limenius, used his official powers to prohibit him. He was, however, allowed to accept an official invitation from Nicaea. Soon afterwards he received a second official invitation from Nicomedia, and this time no obstacles were put in his way. Nicomedia already had one official rhetor, but he had been so rude to the council that they decided to bring in Libanius to undermine him.

Libanius soon drew all his pupils away from him, and he retaliated by bringing a charge of murder against Libanius. He even went to Cappadocia and persuaded Philagrius, the vicar of Pontica, who happened to have been an old fellow student of his at Athens, to summon Libanius to Nicaea for trial. Luckily Philip, the praetorian prefect, now appeared on the scene, and Philagrius was afraid to proceed with the plot under his superior's eye. Instead a public competition was arranged between Libanius and his rival,

in which the former achieved such a resounding victory that Philip arranged for an imperial decree to be issued summoning him to the capital. Libanius was now appointed to one of the official chairs at Constantinople by decree of the senate, confirmed by the emperor.

Some years later Libanius received what he considered to be the supreme honour of his academic career. The council of Athens invited him to fill one of their chairs, which had always hitherto been reserved for men already teaching in the city. But Libanius hankered after his native Antioch, where he ultimately obtained the official chair and spent the rest of his life.<sup>37</sup>

Grammarians and rhetors were naturally drawn mostly from the upper ranks of society, for if an ordinary rhetorical education was expensive, the course of training required to make a success as a teacher was very much more costly. It was normally very prolonged. Libanius was already twenty-two, having studied rhetoric for seven years, when he went as a student to Athens, and he spent another three years there before he ventured to open a school himself. Moreover it was almost essential to complete one's education at one of the great university towns, or at any rate under some celebrated professor whose fees would be high. Augustine's father, Patricius, a modest decurion of a little African town, found considerable financial difficulty in sending his son to complete his rhetorical studies at Carthage, and was only enabled to do so by the aid of a wealthy fellow townsman, who recognised Augustine's promise.<sup>38</sup>

Though the cost of training was high the rewards seem to have been adequate. A beginner might have a hard time building up his class; even Libanius, despite the successes he had achieved at Constantinople and Nicomedia, started at Antioch with only fifteen pupils. If he were less adventurous, and took a post as assistant to an established teacher, he might earn a meagre living; Libanius draws a pitiful picture of his four assistants, who had to share one professorial salary between them and could not afford to marry or to keep more than a couple of slaves apiece. But once he achieved an established chair a grammarian was at least assured of modest comfort. The scale of salaries laid down by Gratian in Gaul was 24 *annonae* (equivalent to about 100 solidi) for a rhetor, and 12 for a grammarian, with higher rates—30 and 20 *annonae* respectively for rhetor and grammarian—at the imperial capital of Trier. These salaries, no doubt suggested by Ausonius, a professor himself, were perhaps exceptionally high. At Carthage Justinian allocated 70 solidi to rhetors and grammarians alike.<sup>39</sup>

The official salary was, however, the smaller part of a successful

professor's income, which came mainly from fees paid by his pupils or their parents. Libanius was surprised and annoyed with Gerontius of Apamea, who insisted on an official salary: 'When a man has a class of rich pupils, why should he look elsewhere?' We have no figures for fees, which no doubt varied according to the celebrity of the teacher, but they seem to have been considerable. Libanius, whilst teaching at Nicomedia, was robbed by one of his slaves of 1,500 solidi: he must have put by this sum in less than eight years.<sup>40</sup>

A teacher's income from fees was, of course, somewhat precarious. There was keen competition for pupils, which at Athens took the form of organised kidnapping. Each professor's band of pupils lay in wait for new arrivals at the Piraeus and Sunium, and forcibly abducted them and enrolled them in his class without regard for their preferences. Brawls between rival gangs often required the intervention of the proconsul from Corinth. Elsewhere we do not hear of open violence being used, but rivalry was as keen, and a brilliant newcomer might lure away an established teacher's pupils, as did Libanius at Constantinople, at Nicomedia and at Antioch. Even when a teacher had attracted a class, he was not sure of his fees. As the academic year drew to a close, and fees were due to be paid, classes would melt away. Such dishonesty according to Augustine was rife at Rome, and Libanius complains of it at Antioch, and advises his fellow teachers to insist on formal contracts with their pupils or their parents.<sup>41</sup>

Eloquence and literary culture were immensely respected in the Roman world, and professors enjoyed a social standing higher than that which their birth or wealth would normally have won them. Symmachus considered it natural that an Athenian philosopher who had opened a school in Rome should be elected to the senate. At Constantinople the professors after twenty years' service received a *comitiva primi ordinis* with rank of ex-vicars. Distinguished teachers were accorded yet more elevated official rank; Libanius was offered codicils of a quaestor by Julian and of a praetorian prefect by Theodosius I.<sup>42</sup>

Despite the difference in language the aims and technique of higher education were identical in East and West. The theoretical aim was a general education (*ἐγκύκλιος παιδεία*), comprising grammar, rhetoric, dialectic, arithmetic, geometry, music and astronomy, and culminating in philosophy. In actual practice



only the first two of these subjects were seriously studied, and education was almost entirely linguistic and literary. It was based on a rather limited range of classical authors. In Latin Virgil and Terence, Sallust and Cicero were the standard four. In Greek the range was somewhat wider, including Homer, selected plays of the Attic tragedians and comedians, Thucydides, and Demosthenes and selected orations of the other Attic orators. But it may be suspected that this rather limited curriculum was often curtailed. At Gerasa under Anastasius and Justinian poetasters could be found to write dedicatory inscriptions for churches in quite tolerable Homeric hexameters, but their efforts at iambic trimeters do not even scan.<sup>43</sup>

The aim of the system was first to teach correct classical (in Greek, Attic) diction, secondly to instil appreciation of the form and content of classical literature, and thirdly, and most important by far, to inculcate the rules of rhetoric, and thus to train its subjects to compose and deliver elegant and flowery orations. The first task became increasingly arduous as the spoken languages diverged progressively in pronunciation, grammar, syntax, and vocabulary from their classical prototypes. It was achieved by learning by rote declensions, paradigms and grammatical rules (and the exceptions to them), by exercises involving the application of these rules, and by a minute grammatical analysis of the classical texts read in class. Literary appreciation was instilled by memorising the recognised poetical and rhetorical tropes, and once again by a minute stylistic analysis of the texts. Appreciation of the content of the classics in practice meant the explanation of the mythological, historical and geographical allusions in the texts read. The grammatical stage of a liberal education was thus an exacting grind of memorising rules and writing exercises, and then of going through classical authors line by line, and word by word, while the teacher expounded and commented on them. Many boys evidently found the process extremely tedious, and their attention was maintained by the use of the cane.

The rhetorical stage was more interesting, for there were not only rules to learn and texts to analyse, but compositions to be written and recited. Not that the theses set for such competitions were of any great interest. No real topic of contemporary life was ever admitted. The themes of political speeches were based on mythology or ancient history, those of forensic speeches not on real legal issues, but on imaginary and usually fantastic problems. Typical political theses, culled from Libanius' Declamations, are an ambassadorial speech of Menelaus to the Trojans, reclaiming Helen, or, slightly more up to date, 'After Chaeronea Philip sends

promising to give back 2,000 prisoners if Demosthenes is handed over to him: Demosthenes asks to be surrendered.' A typical forensic speech from the same collection is: 'There was a law that with a tyrant his sons should be killed, and another law that a tyrannicide could claim any boon he wishes. A woman kills her husband who is a tyrant and asks for her sons as her boon.'<sup>44</sup>

This system of education had its obvious defects. It included neither mathematics nor science, and only very scrappy fragments of geography, history or philosophy. What little geography the average man learnt was derived from commentaries on the place names occurring in the ancient authors, and bore very little relation to the world in which he lived. His history was likewise derived from literary allusions, or from collections of anecdotes suitable for adorning speeches. Of philosophy he learned little but the names of the great philosophers, and brief summaries of their lives and doctrines. The learning that he acquired was a jumble of miscellaneous lore, mainly mythological and antiquarian, but containing odd pieces of history, geography, philosophy and natural—or more often unnatural—history. A learned man was one who, like Macrobius or Cassiodorus, had accumulated a large stock of such curious information.

On the other hand the standard education enabled men to read their classics with enjoyment and appreciation, and to express themselves fluently, if not always clearly; for the straining after effect which a rhetorical training encouraged tended to produce a style that was turgid and bombastic or cryptically epigrammatic. Any educated man could readily turn off tolerable verses for an epitaph or an epithalamium, and could write an elegantly phrased letter, spiced with a few literary or mythological allusions. The more talented might aspire to the more serious task of a panegyric in prose or verse.

The upper classes of the empire were in this sense highly cultured, and many of them spent much of their ample leisure in reading the classics or one another's compositions, and in themselves composing prose or verse. The art of letter-writing in particular was highly developed. To judge by the surviving collections most educated men must have devoted much of their time to writing letters to a very large circle of correspondents, not with any practical end in view, but as a social convention. A large proportion of the letters preserved contain no information and solicit none, but are merely elegant compositions, which, if they came from a celebrated figure like Symmachus or Libanius, were treasured by their recipients as masterpieces and shown round to a circle of admiring friends.

It might have been expected that the church would have rejected an educational system which was based on the pagan classics and permeated with pagan mythology. There was a fundamentalist current in Christian thought which regarded the study of the classics as sinful. Even highly cultured Christians sometimes had qualms. Augustine as a bishop roundly condemned the literature which he had taught as a professor, and Jerome has revealed his scruples in his account of his famous dream; standing before the Heavenly Judge, 'asked my condition, I replied that I was a Christian: "You lie," said he who sat in judgment, "you are a Ciceronian, not a Christian. Where your treasure is, there is your heart also."' <sup>45</sup>

This rigorist current of thought finds expression in the Canons of the Apostles, which though not official was widely accepted as authoritative in the Eastern churches in the fourth, fifth and sixth centuries. It expressly commands all the faithful to abstain from all pagan books, and declares that the scriptures contain all that is necessary not only for salvation but for culture. 'Do you want history? There is the Book of Kings. Eloquence and poetry? The Prophets. Lyric? The Psalms. Cosmology? Genesis. Law and ethics? The glorious law of God.' Such sentiments were from time to time expounded in the West also down to the end of the sixth century. Gregory the Great was deeply shocked to hear that a Gallic bishop, Desiderius, actually taught grammar, and wrote to reprove him, 'because one mouth cannot contain the praises of Christ together with the praises of Jupiter'. Desiderius' sin was particularly flagrant because he was a bishop, but Gregory felt that even laymen should refrain from the classics: 'and consider for yourself how grave a sin it is for a bishop to recite what is unseemly even for a religious layman'. <sup>46</sup>

The average educated Christian had no such scruples, and even the strictest fundamentalists had to admit that though it was a sin for an adult to read the classics for pleasure, boys had to learn them at school. As Jerome points out, priests who 'abandon the gospels and prophets, and read comedies, sing the amatory words of bucolic verses, and cling to Virgil, make what is for boys a necessity a deliberate sin for themselves.' <sup>47</sup>

Tertullian, who had held the same view, had declared that though Christian boys could not avoid learning the classics at school, it was sinful for a Christian to teach the pagan authors. In this view he was exceptional. From the third century onward we know of many pious Christians who were distinguished teachers, and when

Julian, on the somewhat specious ground that Christians could not honestly expound the pagan poets and philosophers, debarred them from the teaching profession, his action aroused a greater storm of protest than any of his other anti-Christian measures.<sup>48</sup>

Julian ordered Christian professors 'to go to the Christian churches and expound Matthew and Luke'. The reaction of two of them, Apollinaris, a grammarian of Laodicea in Syria, and his son of the same name, who was a rhetor in the same city, is interesting and instructive. Between them they rewrote the scriptures in classical forms. To replace Homer, the father composed an epic poem in twenty-four books covering the historical books of the Old Testament from the creation to the reign of Saul, and converted other books into Euripidean tragedies, Menandrian comedies and Pindaric odes. The son rewrote the New Testament in the form of Platonic dialogues. But their labour, Socrates tells us, was wasted, for as soon as Julian died, Christian teachers returned to the pagan classics.<sup>49</sup>

This story well illustrates the immensely strong hold which classical literary culture had on the educated classes of the empire. To mix in polite society, and to make his way in the world, whatever profession he adopted, a man had to know his pagan authors, and to Christian parents of the upper classes it was unthinkable to deprive their sons of the standard course of education, whatever its spiritual dangers. It was not only correct diction and style that were essential; the works of the Apollinares were, so Socrates assures us, models of style, and provided examples of all the modes of composition taught in the schools; it was the genuine classics, with all the pagan gods and myths, which were necessary to make a cultivated man.

The educational system was undoubtedly an obstacle to the spread of Christianity among the upper classes. Men who had been through the grammatical and rhetorical mill found the Greek and Latin translations of the scriptures intolerable: as Jerome confesses, after a diet of Cicero and Plautus, 'if at length I returned to myself, and began to read a prophet, the uncouth diction jarred'. This in itself, in an age which set such immense store on verbal elegance, was a serious matter. But even more important was the fact that to an educated man all the glories of his classical heritage were intimately connected with the pagan gods and myths.<sup>50</sup>

Nevertheless so strong was the tradition that the church was powerless to modify it. Throughout the fourth, fifth and sixth centuries the schools maintained their syllabus unchanged, and Christian boys continued to memorise the genealogies of pagan gods and the amours of Zeus. Nor did the church make any signi-

ficant attempt to create schools of its own. There were classes for catechumens in which the bishop or one of his priests gave elementary instruction in Christian doctrine and morals to converts. Provision was made in monasteries for teaching their letters to illiterate postulants and to child oblates. But such monastic schools in general catered only for future monks: Basil indeed contemplated receiving boys not destined for the religious life, but there is no evidence that parents sent their sons to monasteries; in the West they apparently sometimes sent their daughters to nunneries.<sup>51</sup>

In the sixth century in Italy, Spain and Gaul, when the secular educational system was breaking down, it would seem that the church was forced to make arrangements for maintaining a supply of literate clergy. The second Council of Toledo in 527 ordered all bishops to provide on church premises a school for the instruction of children destined for the priesthood, and two years later the second Council of Vaison instructed all parish priests to teach their unmarried readers the psalms and the scriptures with a view to providing successors for themselves.<sup>52</sup>

The instruction given in monastic, episcopal and parochial schools was not only reserved for future monks and clergy but was of the most elementary kind, merely reading and writing sufficient to spell out and copy the scriptures. Only outside the sphere of Greek and Roman culture in Mesopotamia did there exist Christian schools of a higher grade, which gave a grammatical and rhetorical education based on the Syriac scriptures. Augustine indeed drafted a syllabus for a similar educational course in Latin, but it remained in the realm of theory. Cassiodorus, inspired by the example of the Syriac church, not only composed a syllabus, but founded a monastery at Vivarium, where he put it into practice, but this lone venture did not outlive its author.<sup>53</sup>

The leading features of the literary culture of the later Roman empire are its conservatism, its uniformity, and its widespread geographical diffusion. The educational system taught men not only to venerate the classical authors but to regard them as models to be imitated, and a contemporary poet or author was the more highly esteemed the closer he approximated to the ancients. No higher praise could be given to a Latin poet than to say that he equalled or even surpassed Virgil, or to a Greek orator than to declare him a modern Demosthenes: and such praises were to be taken in the literal sense that their objects reproduced the diction and style of their models.

Based on the same classics and an identical technique, the educational system produced a literary culture which was throughout each linguistic zone completely uniform. There were no regional schools of literature. Whether he lived and wrote in Gaul, Africa, or Illyricum, in Thrace, Cappadocia or Egypt, the training of every aspirant to literary fame was identical, and the exemplars which he strove to emulate the same.

This uniform culture was, moreover, remarkably widely diffused. There were, of course, literary centres, such as Rome in the West or Athens in the East, whose supremacy was generally recognised, and outlying areas of the empire where culture was relatively backward. Pacatus, delivering a panegyric on Theodosius I before the Roman senate, professes to fear that 'in view of their inborn and hereditary oratorical skill, the rude and unpolished roughness of my Transalpine speech may not disgust' his audience, and one of the speakers in Sulpicius Severus' dialogues modestly declares: 'when I reflect that I, a Gaul, am going to talk to Aquitanians, I fear that my rather rustic diction may offend your too urbane ears'.<sup>54</sup>

These are somewhat insincere rhetorical compliments. Symmachus corresponds with men living in Gaul and Spain on terms of perfect equality, and professes to derive as much pleasure from their letters as they did from his; and Libanius writes to inhabitants of remote cities of Armenia or Arabia with the evident assurance that his classical reminiscences and mythological allusions will be appreciated and savoured. It is indeed remarkable how many of the leading literary figures of the later empire, especially in the East, come from regions which under the Principate had been regarded as backwaters. The great philosopher, Themistius, was of Paphlagonian origin. Cappadocia, whose barbaric Greek Philostratus had scorned, produced in the fourth century a rich crop of distinguished authors, and not only from Caesarea, which had long been recognised as a Hellenic oasis in the Cappadocian desert, but from backwoods towns like Nazianzus. Even in Egypt, where culture had been practically confined to Alexandria, the minor cities of the Nile Valley now produced historians like Olympiodorus of Thebes and poets like Nonnus of Panopolis.

The literary output of the age was large, but not on the whole distinguished. There were many versifiers of varying degrees of competence, from Dioscorus, the notary of the Egyptian village of Aphroditon, who wrote reams of doggerel hexameters in the reign of Justinian, to the great nobleman Sidonius Apollinaris, whose verse panegyrics on Avitus, Majorian and Anthemius are, if uninspired, technically respectable and replete with mythological

learning. There were, however, few that could rank as poets. Some of Ausonius' occasional verse has charm, and Claudian's panegyrics and invectives have rhetorical power and many felicitous lines: Nonnus' great epic, the *Dionysiaca*, has its admirers. Religious poetry is no better. A number of notable hymns were written by diverse authors, from Arnobius and Prudentius in the fourth century to Venantius Fortunatus in the sixth: but most religious verse—Gregory Nazianzen's voluminous poems for instance, in Greek, and in Latin, Paulinus of Nola's many poetical tributes to S. Felix—is of the same rather pedestrian quality as secular verse.<sup>55</sup>

The rhetorical set pieces which were the most highly esteemed prose productions of the age are for the most part vapid and turgid in the extreme. When, however, they have something to say, orators can say it cogently and eloquently; despite his involved and often obscure style Libanius speaks well on themes that move him. Christian oratory has a much greater range of themes and of style. Some sermons, especially those delivered on the great festivals, are as rhetorical in the worst sense as their secular counterparts; encomia of martyrs in particular are closely modelled on the standard panegyric and share its vices. There were on the other hand some good Christian orators, like John Chrysostom, who used rhetorical techniques to advantage in exposition and exhortation. There were other preachers like Augustine, who, though fully trained orators, deliberately adopted a simple and matter-of-fact style better adapted to their humbler hearers. And there were naturally uneducated or half-educated preachers who aspired to a lofty style. The sermons of the age show one characteristic which seems to be almost universal: they are mostly very dull.

The other literary form which was highly esteemed, the letter, is usually very jejune and artificial; but here again writers who are normally dull can achieve distinction when they have something to say. Symmachus' letters are mostly elegant nothings, but his appeal for the Altar of Victory is sincere and moving, and Sidonius Apollinaris can be a good *raconteur* and describe a scene vividly. Many of the collections of letters which we possess were not intended to be literature, and are none the worse for that. A curious example of the epistolary form is the *Variae* of Cassiodorus, who wrote official letters on behalf of the Gothic kings so replete with rhetorical tropes and antiquarian and mythological allusions that they were regarded as literary masterpieces.

History enjoyed a great vogue in the Eastern parts. The contribution of the West was very meagre in this field. In the fourth

century Aurelius Victor wrote thumbnail biographies of the emperors and Eutropius a very brief *Breviarium* from the Foundation of the City; this was an elegant summary for gentlemen who had not the patience to plough through Livy. In the early fifth century Sulpicius Severus wrote a similar elegant summary of sacred history from Adam for cultured Christians, and Orosius a *Historia contra Paganos*, a work of propaganda. Apart from this there are only crude and meagre annalistic chronicles.

The East on the other hand produced many competent and some great historians. In the fourth century Ammianus of Antioch continued and emulated Tacitus, and if he falls far short of his model in artistry, excels him in breadth of view and impartiality of judgment. In the sixth Procopius of Caesarea took Thucydides as his model in recording the wars of Justinian. He is in a different class from his exemplar but is nevertheless a very sound and conscientious military historian. Besides these great names there was a succession of very competent and workmanlike historians who between them covered the whole period from Constantine to the death of Maurice. Of their works only two have survived intact, Agathias' continuation of Procopius' wars, and Theophylact's narrative of the reign of Maurice. We have probably not missed much by the loss of Eunapius, if we can fairly judge his quality from his epitomator Zosimus. But to judge by their surviving fragments many of the others, such as Olympiodorus, Priscus and Menander wrote sound and interesting histories of their times.

Eusebius of Caesarea was a great scholar, whose command of his voluminous and scattered documentary material is remarkable. His *Ecclesiastical History* is by any standards a great work. His successors were not of the same calibre, but several of them, such as Socrates and Evagrius, were learned and competent.

The historians so far mentioned wrote for the educated public. But history evidently appealed to a lower stratum of society; for there were popular historians like John Malalas who wrote in vulgar Greek and catered for the tastes of the common man, describing minutely the personal appearance and manners of the emperors and filling their pages with picturesque anecdotes and social scandal.

Biography also had a great vogue. The pagan Eunapius wrote the *Lives of the Sophists* in a very highflown rhetorical vein. There are countless lives of saints and collections of anecdotes at every literary level, from turgid and pretentious encomia to simple and unadorned tales for the edification of the vulgar.

Scholarship, as was natural in so religious an age, was mainly concentrated on theological studies. Much of the vast output



was inevitably mediocre and derivative. In bulk the greatest part by far of the theological literature of the period consists of commentaries on the scriptures. Most of these follow too faithfully the tradition of the secular *grammaticus*, explaining the text line by line and word by word and commenting on obscurities with much pedantic learning; the authors are also very prone to far-fetched allegorical interpretations and rather trite moralising. Against the many mediocrities, however, can be set a few great men, most notably Jerome, whose encyclopaedic learning and exacting scholarship raised scriptural studies to a level not surpassed for many centuries.

In theology in the narrower sense much of the literature is again repetitive and derivative, but in the East a series of great theologians, heretical and orthodox, formulated Christian doctrine in philosophical terms, and worked out a solution of the problem of the Trinity which has satisfied the church ever since: while the West produced at least one great Christian thinker, Augustine, whose theories have profoundly influenced all subsequent ages.

In philosophy the West produced no great original thinker, but in the East there was a succession of distinguished philosophers, from Iamblichus in the early fourth century to Simplicius, Damascius and John Philoponus in the reign of Justinian: all except the last, who was converted late in life, were pagans. Their works were mostly commentaries on Plato, Aristotle and the other classical philosophers, but they were by no means all mere commentators, who slavishly accepted the doctrines of the great masters. Most were Platonists, who developed and refined the ideas of the Platonic school. For this reason they were often critical of Aristotle and did not hesitate to contradict his most fundamental views. Their attacks were mostly based on internal inconsistencies in the Aristotelian system, but they also made use of scientific knowledge gained since Aristotle's day by observation or experiment: John Philoponus anticipated Galileo in knowing that heavier bodies do not fall faster than lighter, and applied this knowledge to confuting Aristotle's cosmography.

These philosophers were familiar with the scientific experiments and discoveries of the Hellenistic age, including steam power, but it did not occur to them to try to put this knowledge to practical use. The only inventor of the later Roman empire was an unknown man who addressed a little treatise to Valentinian and Valens; he was evidently a man of little education, probably a military officer. His inventions include two ingenious scythed chariots, two pieces of artillery, a portable pontoon bridge, and most ambitious of all

a warship propelled by three pairs of paddlewheels, operated by oxen.<sup>56</sup>

Apart from rhetors, grammarians and lawyers we know little of the professional classes and their training. Doctors—those, that is, who held official appointments—enjoyed the same immunities and privileges as professors, and seem to have ranked socially more or less on a par with them. The aristocracy of the profession was formed by the court physicians (*archiatri sacri palatii*), who normally enjoyed the rank of *comes* of the first or second class, and were often rewarded with an administrative post; we know of one who became *comes thesaurorum*, and of another who rose to be a vicar. They were a highly privileged group, enjoying special exemption from all the normal burdens of their elevated rank, including the *gleba senatoria*.<sup>57</sup>

Next came the public doctors of Rome, instituted by Valentinian I, one for each of the regions of the city save two. Their posts were evidently lucrative, for the government had to lay down stringent rules against those who sought to obtain them by the interest of the great.<sup>58</sup>

Below these came the public doctors whom many cities maintained. The public doctors received salaries which no doubt varied with the importance of the city. At Carthage Justinian provided for five doctors, the senior of whom received 99 solidi, the second 70 and the other three 50 each. We happen to know from his will that Flavius Phoebammon, public doctor of Antinoopolis, metropolis of the Thebaid, drew 60 solidi per annum in the latter part of the sixth century. He seems incidentally to have been quite comfortably off, owning properties, partly inherited, partly acquired by himself, not only in Antinoopolis, but in the neighbouring Hermopolite territory. Public doctors also took fees from their patients. This is to be inferred from the code of professional conduct laid down by Valentinian I for the newly instituted *archiatri* of Rome. Seeing that they received salaries from the public funds, they were, he demanded, 'honestly to attend the poor, rather than basely to serve the rich', and they were authorised to accept what patients whom they had cured offered them for their services, but not to demand fees from those in a critical condition. Besides the public doctors there were no doubt private practitioners who lived by fees alone, but we know little of them.<sup>59</sup>

The little that we know of a doctor's life is derived mainly from the papyri and from hagiography. The former suggest that their

principal activity was signing medical certificates for the use of the courts and the administration, the latter that their fees were exorbitant and their cures few. Both impressions are no doubt unjust.<sup>60</sup>

Medicine was taught at an academic level at Alexandria. It was here that Caesarius, brother of Gregory Nazianzen, obtained the qualifications that won him the post of court physician to Constantius II. But the average doctor probably received his training from the public doctor of his native town or the capital of his province: it is assumed in the Code that the public doctors of the cities normally took pupils, and that teaching was one of their official duties. Flavius Phoebammon records in his will that his father before him had been a public doctor, and it is likely that sons often received their training from their fathers, and that the profession tended, like so many others, to be hereditary.<sup>61</sup>

Surveyors (*geometrae*), engineers (*mechanici*) and architects were also professional men, belonging to the upper ranks of society. Architects appear to have ranked lowest; in Diocletian's tariff a teaching architect is only to charge 100 denarii a month for each pupil, very little more than the fee of 75 denarii which teachers of mathematics and shorthand were entitled to demand. A surveyor, on the other hand, could charge 200 denarii, the same as a grammarian. Nevertheless architects were drawn from the educated class: when Constantine, alarmed at the shortage of architects, ordered that young men should be encouraged to learn the art by the grant of immunity for their parents and scholarships for themselves, he stipulated that candidates should be of about eighteen years of age, and should already have received a liberal education.<sup>62</sup>

Engineers, who appear in fact to have been a superior grade of architects, who planned large buildings involving complicated structural problems, ranked the highest. Cyriades, who was concerned with the erection of a bridge and a basilica at Rome when Symmachus was prefect of the city, was a *clarissimus comes*. Isidore the younger of Miletus, who was responsible for the repair of Santa Sophia after the earthquake in 558, and for many others of Justinian's public works, is styled *magnificentissimus et illustris* on an inscription recording his work at Chalcis in Syria. Thanks to Agathias we have more intimate information about Anthemius of Tralles, the great engineer who shared with the elder Isidore of Tralles the responsibility for Santa Sophia. He came of a family of five talented brothers; Olympiodorus was a distinguished barrister, Metrodorus a celebrated grammarian, Dioscorus and Alexander both doctors; the former practised in his home town,

the latter had the distinction of receiving an appointment at Rome. Anthemius himself was evidently an engineer of no mean order, with a remarkable knowledge of mathematics and physics, as appears not only from his architectural achievements but from his scientific practical jokes. He carried on a feud with a distinguished barrister named Zenodotus, whose house was in the same block as his own, and being defeated in a law suit, revenged himself by producing artificial thunder and lightning and earthquakes in Zenodotus' apartments. The earthquake was particularly ingenious, involving the use of steam pressure, and was so convincing that Zenodotus fled in terror, and, rushing to the palace, caused great mirth by asking everyone what damage their houses had sustained.<sup>63</sup>

Architects, engineers and surveyors enjoyed the social standing which they were accorded because their arts were based on a theory which could only be acquired by way of a literary education. Painters and sculptors on the other hand, ranked with mosaicists as superior craftsmen. A figure painter (*pictor imaginarius*) under Diocletian's tariff received 150 denarii a day with his keep, as against 75 denarii for a wall painter, and 60 for a mosaicist, and 50 for an ordinary mason or carpenter; the privileges accorded to painters by Valentinian I, which include immunity from the poll tax for themselves and their families and slaves, show that they were classified as plebeians.<sup>64</sup>

The troubled period of the mid-third century, when monumental building and the production of statuary and other works of art almost came to a standstill, nearly broke the tradition of skilled craftsmanship. Constantine in one of his laws complained that he needed a large number of architects, but that none existed, and he gave instructions for young men to be encouraged to learn that art. In another law he granted immunities to a whole range of skilled craftsmen, sculptors, painters, mosaicists, cabinet-makers, gold and silver smiths, and the like, so that they might have 'leisure to learn their arts', and might 'both themselves become more skilled, and train their sons'. That such measures were urgent is amply demonstrated by the very low standard of technical skill displayed even in important monuments, such as Constantine's own triumphal arch at Rome, which were built in that period.<sup>65</sup>

The shortage of men trained in the old traditions meant that humble craftsmen had to apply their simple techniques to more ambitious compositions, and in certain arts, notably sculpture, the result was that a more primitive, but often more vigorous, style emerged. In other arts, such as floor mosaics, the breach was less noticeable, for private houses continued to be built throughout

the most troubled periods. Here there is a remarkable continuity; the same patterns go on generation after generation, and if pictorial designs become less common and floral and geometrical designs are more favoured, this is probably due to lack of skill rather than to a change of taste. In architecture the most notable feature of late Roman provincial buildings is their extremely slovenly technique. There was throughout the period such an immense quantity of worked stone available from the demolition of pagan temples and other now superfluous public buildings that new stone cutting was scarcely ever required: the columns, entablatures and doors of the average urban church are reused pieces of the time of the Principate, and the walls are a patchwork of old blocks; only the mosaic floors and the marble revetment of the walls and the timber roofs with their coffered ceilings were the products of contemporary craftsmanship.

Skilled masons and carvers must have found little employment except under the imperial government, especially in the three great imperial marble quarries, which continued to produce capitals and other ornamental members. Here a tradition of fine craftsmanship was built up again and new forms of architectural decoration were evolved which came to flower in the age of Justinian.

In the provinces there was very little monumental building done under the later empire. Most cities were already oversupplied with grand public buildings, and it was generally only on the occasion of a great fire or earthquake, or destruction by the enemy, that architects were given an opportunity. The major exception to this rule is churches, many thousands of which were built during this period. The response of architects to this new demand was not very interesting. Nearly all churches were built on a simple standardised plan, based on the basilica, which can be dignified, but is often dull. A few churches like the cathedral of Bostra and St. George's at Gerasa have interesting circular plans, but these are very rare exceptions to the general rule. Nearly all were timber roofed and presented no structural problems.

It was again only in the employment of the imperial government that *mechanici* were given the opportunity to plan more ambitious buildings, and in particular to experiment with the problems of vaulting on a monumental scale. At Constantinople there developed a school of architects which ultimately under Justinian produced the masterpiece of S. Sophia.

In the visual arts, as in literature, there was a remarkable degree of uniformity throughout the empire. In their humbler forms there were of course regional idioms. There were local styles in

the tombstones of the poor, and in common pottery and metal ware. There were local techniques of building, dictated by the materials available and by age-old tradition. In Africa walls continued to be built with stone uprights at intervals and rubble filling in between; in Syria, where timber was very scarce, roofs were made of stone slabs laid on transverse arches. For farm buildings and humbler houses various districts had their traditional plans, adapted to the climate and to the local building materials. In the villages, which rarely possessed monuments of an earlier age whose decorative members could be reused, churches built by local masons often follow a regional style, derived from the local domestic architecture.

In the arts which catered for the upper classes, on the other hand, there was little variation from one end of the empire to the other. Mosaic pavements in Britain and in Syria used basically the same repertory of patterns and pictorial designs. Silver plate found in all parts of the empire is so similar that experts cannot distinguish its place of manufacture. The town houses and villas of the rich, the baths and churches in the cities, in every province follow the same designs and are ornamented in the same style.

The games, despite the thunders of the church, retained a central place in the life of the empire. They were indeed, with the baths, generally regarded as essentials of civilised life. Suspension of the games and closing of the baths was a drastic penalty meted out only in the most serious cases of disorder, like the famous Riot of the Statues at Antioch. After the disastrous barbaric invasions of Gaul at the beginning of the fifth century, the first request of the city of Treviri to the imperial government, when order was temporarily restored, was for chariot races. Salvian regarded this as criminal frivolity—but he condemned all games on moral and religious grounds. It might be regarded rather as a heroic resolve to maintain civilisation in the direst extremities.<sup>66</sup>

The passion for the games pervaded all classes of the population. For the fervour of the commons the sanguinary riots in which the rivalry of the Blues and the Greens often found expression are sufficient testimony. But they appealed equally to the educated classes. Augustine confesses to his craze for the mimes when a young man at Carthage, and tells of the hold which the chariot races and the gladiatorial games gained on his younger friend Alypius. Libanius constantly rates the councillors of Antioch for thinking of nothing but horses, charioteers, bears and mimes;

when they sent a delegation to the emperor, he complains, their requests were for such frivolities, to the neglect of the serious needs of the city. The production of games was the only liturgy which was sometimes undertaken without reluctance, and councillors often endangered their fortunes by their extravagant expenditure. Though in public Libanius was severe—and the games seem really to have bored him—he took infinite pains to make the shows given by his relatives and friends an outstanding success, writing to all his influential friends, vicars of dioceses or governors of provinces, to provide wild beasts and whip up hunters and athletes and facilitate their journeys by the grant of postal warrants.<sup>67</sup>

The types of games varied somewhat in East and West. In the Hellenistic East games of the traditional Greek form, athletic (including chariot races) and musical (including drama), were well established before Roman rule. The Roman favourites were chariot races, gladiatorial shows, wild beast hunts and the drama. Under Greek influence athletic games were introduced later in the West, but they were never widespread. Conversely gladiatorial shows and wild beast hunts spread under Roman influence to the East. Wild beast hunts caught on, but gladiatorial shows enjoyed only a limited popularity.

Gladiators were as under the Principate either prisoners of war and convicts, or free men who voluntarily signed on: a law of 357 forbids givers of shows to solicit soldiers or palatine officials to enter the profession. Gladiatorial games were abolished by Constantine in the East and by Honorius in the West, but wild beast hunts continued to flourish in both halves of the empire. They were, according to Libanius, the most popular item in any show—people would rise at dawn to go to the theatre or the races, but for the sake of the beast hunts, they would queue all night, 'deeming the paving stones softer than their beds'—and the producers of the Syriarchic games at Antioch spared neither trouble nor expense to get unfamiliar beasts from as far afield as Mount Ida in the Troad. The Syriarchic festival was, of course, an exceptionally big show, but even lesser towns indulged in their spectacles. Once when the council of Antioch refused to put on a wild beast hunt at the governor's request, to shame them he called in the show about to be produced at the neighbouring little city of Beroea. The expense of these spectacles was heavy. The beasts had to be caught and transported long distances. They were consequently rather dear; in the Edict of Diocletian an 'African lion (first grade)' is priced at 150,000 denarii (equivalent to about 50 solidi), and even an 'African lioness (second grade)' cost

100,000 denarii (over 30 solidi). The hunters—who were apparently professionals and were often sought from other provinces—had to be paid, and the beasts had to be fed. In one of his letters Libanius complains bitterly that after his nephew had spent all his cash (and borrowed from his friends) to collect beasts and hunters, an imperial ban had been laid on killing beasts, and the games postponed, with the result that he would have to sell his lands to feed them.<sup>68</sup>

Athletic competitions still continued in the fourth century. In 376 Gratian welcomed the revival of *gymnici agones* in Africa, presumably at Carthage, and athletic contests continued to form part of the Antiochene Olympia till the end of the century. They seem indeed to have grown in popularity there. In his young days, according to Libanius, they had been rather an exclusive affair, given in a small arena before a select audience. But the arena had been doubled and tripled in size by successive *agonothetae* and the vulgar crowd admitted. A constitution of Diocletian, which limited the immunity from the *curia* traditionally given to victors in the major games, shows that in his day athletes were still, as under the Principate, drawn from the upper classes. Technically amateurs, though in practice often professionals, they seem in Libanius' day to have been still unpaid, for he speaks of *agonothetae* attracting them from distant provinces like Asia by the offer of supplementary prizes. After the fourth century there is no mention of athletic games, but Justinian's republication of Diocletian's constitution on athletic victors implies that they continued.<sup>69</sup>

Chariot races enjoyed ever-increasing popularity. Star charioteers were eagerly sought for—and no doubt paid high salaries—by the decurions who gave the games, and the aid of magicians was also commonly invoked. For the big races horses were bought from distant provinces. Libanius writes of a friend who trained two teams—the gift of the emperor—in Bithynia for the Olympia at Antioch, and Symmachus mentions an Antiochene mission buying race horses in Spain. Breeding and training horses for the games was reckoned the heaviest of all the liturgies, and those who undertook it at Antioch received leases of civic lands to compensate them.<sup>70</sup>

Throughout the empire, both in the two capitals and in the provinces, the rivalry of the Blues and Greens was intense. The nature of these two 'factions' is obscure. Under the Principate there were at Rome four *factiones*, the Reds, Whites, Blues and Greens. They were companies or guilds which furnished chariots to the magistrates who gave the games, each *factio* providing one



chariot for each race. They were apparently recompensed mainly by prize money, but the losing *factiones* presumably got some payment. The organisation was extended to other cities of the empire, and naturally acquired special importance at Constantinople when it became a second capital.<sup>71</sup>

There were still four colours at Constantinople in the fifth century, but only two, the Blues and the Greens, counted for anything: Anastasius only favoured the Reds so that he could chastise the Blues and Greens with impartial severity. Under the later empire the *factiones* no longer seem to have normally supplied the horses: all givers of games of whom we know from the emperor and the great senators of Rome down to humble decurions bought or bred their own horses. The *factiones* at Rome, however, had their own stables in which they kept horses which they received, either as their due or as free gifts, from the emperor and the consuls and praetors. From these stables they perhaps furnished teams to the more indigent or parsimonious senators, especially no doubt those who did not organise their own games but delegated the business to the *censuales*. The chariots, however, still continued to run under the colours of the *factiones*, who supplied the charioteers and other personnel required. By the sixth century the *factiones* had come to include the dancers of the mimes, the keepers of the wild beasts, and probably all members of the entertainment professions.<sup>72</sup>

Each *factio* had its 'fans' (*σπασιῶται*), young men who cut their hair in a peculiar fashion and wore a distinctive style of clothes, like the modern Teddy Boy. They were the leaders in the riots which the games so frequently provoked, and according to Procopius exercised a reign of terror in every city of the empire. But apart from these enthusiasts every man and woman in the empire from the emperor and empress downwards was either a Blue or a Green. As Procopius explains: 'The populace in every city has from time immemorial been divided into Blues and Greens, but it is only recently that for the sake of those names and of the positions in which they stand to watch they lavish their money, expose their persons to the most cruel tortures and are willing to die a dreadful death. They fight with their opponents, not knowing what the struggle is about, though they understand full well that, even if they defeat their adversaries in the fight, their fate will be to be put into prison forthwith and after the extremest tortures to be executed. The enmity which they feel towards their neighbours is irrational, but it persists without end for all time. It overrides the bonds of kinship or friendship, even if those who quarrel about these colours are brothers or the like. They care for

nothing human or divine beside victory in this contest, whether a sacrilege is committed against God or the laws or the constitution are overturned by domestic or foreign foes. Though they may lack the necessities of life and their fatherland may be in the direst straits, they do not bother if their "faction" is going to gain an advantage: for that is the name they give to their fellow enthusiasts. Even women share in this contagion, not only supporting their husbands, but if it so happens opposing them—though they never go to the theatres and have no other motive. In short I can only describe it as a psychopathic condition.<sup>73</sup>

Jerome tells a curious tale of how on one occasion a race was run under colours other than the Blues and Greens. Italicus, a Christian decurion in the strongly pagan city of Gaza, was appointed to produce one chariot, his opposite number being a wealthy pagan, one of the *duoviri* of the town. Italicus, despairing of his chances, especially as his rival had retained the services of a celebrated magician, appealed to the hermit Hilarion to bless his team and charioteer and stable. Hilarion at first reproved him for his frivolity, but eventually, convinced that Italicus was merely fulfilling his lawful duty in producing the chariot, he gave his blessing. These facts became generally known, and excitement rose in Gaza as the test of the two religions approached. The race was run amidst cries of 'Victory to Marnas!' and 'Victory to Christ!' Italicus' chariot won, and many pagans were converted.<sup>74</sup>

The drama had by the fourth century—and probably long before—given way to the mime, which was apparently a kind of ballet. The themes continued to be drawn from Greek mythology, a fact which exacerbated Christian dislike of the theatre, but reconciled Libanius to its low intellectual level. The actors or dancers, both male and female (*scaenici*, *scaenicae*), though many of them were popular idols, were a despised class, very strongly reprobated by Christian sentiment and excluded from membership of the church unless they left the stage. The Christian emperors were torn between their secular duty of keeping up the supply of entertainers for their subjects and their Christian duty of at least permitting actors and actresses to save their souls. Actors and actresses could make a deathbed repentance and be received into the church, but the provincial governor, or in his absence the *curator* of the city, had in such cases to verify that they really were *in extremis*, as, if they recovered, they could not be recalled to the stage. Daughters of theatrical families might refuse to go on the stage, and were excused so long as they behaved unexceptionably. Actresses might even abandon their profession if they

wished to be received into the church, but if they afterwards returned to the stage were condemned to it without reprieve.<sup>75</sup>

One form of theatrical entertainment came under particular reprobation, the *maimuma*: very little is known of it, save that the spectacle was aquatic, and, in Christian eyes, highly licentious. It nevertheless continued to flourish. Many small theatres or odea were adapted for it by making arrangements for flooding the orchestra, and in 535 the city of Gerasa recorded by an inscription a celebration of the festival in a small theatre, near a reservoir outside the town, which was apparently specially built for it.<sup>76</sup>

The games included other forms of entertainment. As might have been expected in an age so addicted to rhetoric, they were feasts of oratory: Libanius wrote his immense panegyric on Antioch for the Olympia of 360 and regularly produced an oration for subsequent celebrations. The Olympia also included a vast banquet, at which the chairman of the games was expected to give a present to every guest. But this last extravagance was abandoned in Libanius' lifetime.<sup>77</sup>

A Roman citizen of the upper classes must have found himself at home wherever he travelled. The cities which he visited and the houses in which he stayed would have presented a very similar appearance to those he left behind. Social habits varied little, if at all: everywhere the baths offered the same amenities, and the theatre, the circus and the amphitheatre provided the same entertainments. Everywhere within his own linguistic zone he would find the same language spoken, and the same literature read, quoted and discussed.

This uniformity of cultural environment must have contributed to the sense of solidarity which certainly existed. There is no trace of regional separatism in the higher ranks of Roman society. Some provinces had their proverbial characteristics; Gauls were gluttons, Cappadocians stupid, and Ammianus calls almost every Pannonian a brutal boor. Conversely a man might be proud of his province, and laud its beauties or write up its history and antiquities. But such local distinctions and local loyalties amounted to very little. Augustine, as an African, might feel some sentimental sympathy for the cause of Dido, but basically he felt himself to be a Roman, and the sack of Rome moved him to his depths. The election of Avitus as emperor has been interpreted as an expression of the national sentiment of the Gallic aristocracy. If Sidonius Apollinaris was a typical senator, and there is every

indication that he was, no such sentiment existed. The most that can be said is that the Gallic senators may have felt that they were as good as the Italians, and took the opportunity offered by the anarchy in Italy after the Vandal sack of Rome to elect one of themselves as emperor. Neither Avitus nor any of his following showed the slightest inclination to create a separate Gallic empire.

That the upper classes of the Western parts should have felt themselves to be Romans is not surprising. For centuries they had spoken Latin, and for generation after generation they had been brought up on Roman literature. No indigenous Gallic, Spanish or African traditions survived, and what little they knew of their past history of their own peoples was derived from Roman sources. It is ironic that a Gallic senator desirous of writing the history of his own country applied to the Roman Symmachus for guidance, and was recommended to read Livy, Caesar's Commentaries, and Pliny's German Wars—which were in fact the only sources available. With this cultural background it was inevitable that educated Western provincials should have come to regard themselves as Romans, and to take pride in the imperial traditions of Rome.<sup>78</sup>

It is more surprising that the same sentiment prevailed in the Eastern parts, where the language was Greek, and where education was based on the Greek classics. The cultured classes in the East were proud of their Hellenic heritage, and treasured the historical and mythological traditions of their cities. But here also centuries of Roman rule had eliminated any traces of political separatism. By the fourth century, if not earlier, the Greek-speaking inhabitants of the Eastern provinces felt themselves to be what they had legally been since 212 A.D., Roman citizens.

There is scarcely any sign of alienation between the Greek and Latin halves of the empire, even after they had been politically separated for generations. Arvandus, praetorian prefect of the Gauls, in a letter to the king of the Visigoths spoke contemptuously of Anthemius as 'the Greek emperor'; but he was a traitor, condemned as such by his fellow senators. When Ricimer called Anthemius an 'excitable Galatian' (*Galatam concitatum*), he may have been trying to create prejudice against him as an oriental, but if so he was unsuccessful; the senate and people of Rome, we are told, stood firm on Anthemius' side. The mass of the Africans and Italians welcomed the armies of Justinian, and if they came to detest his fiscal agents there is no sign that they resented being governed by Greeks.<sup>79</sup>

If we know something of the sentiments of the upper classes from the literature which they produced, we have little clue to the

feelings of the humbler strata of the population, many of whom still spoke their indigenous languages and were scarcely touched by Roman culture. To their barbarian conquerors they were Romans. In the laws of the Visigothic, Ostrogothic, Burgundian and Frankish kings their non-German subjects, whether in Gaul, Italy or Spain, are called *Romani*, and a Moorish chief, who in the sixth century ruled a part of the former province of Mauretania Caesariensis, styled himself 'rex Maurorum et Romanorum'. In the East the inhabitants of the provinces which they conquered were called *Rumi* by the Arabs. It seems likely that even a Syriac or Celtic speaking peasant would have called himself a Roman, and, if he cherished no strong feelings of loyalty to Rome, was not animated by any hostile feelings towards her as an alien oppressor.<sup>80</sup>

The revolts of Britain and Armorica may have had some national character, but the evidence is too slight to form a definite conclusion. According to Zosimus, when in 408 the forces of the usurper Constantine were engaged in Spain, the attacks of barbarians from across the Rhine 'drove the inhabitants of the island of Britain and some of the provinces of Gaul to the necessity of revolting from the Roman empire and living on their own, no longer obeying their laws: and the people of Britain took up arms and fought for themselves and freed their cities from the attacking barbarians. And the whole of Armorica and other provinces of Gaul imitated the Britons and freed themselves in this way, expelling the Roman governors and establishing their own independent state.'<sup>81</sup>

It is to be noted that this movement was directed against a usurper, and that Honorius gave it his blessing, 'writing letters to the cities in Britain, urging them to defend themselves'. Despite Zosimus' emphatic words it would seem that the Britons and north-western Gauls were not rebelling against the empire, but were driven to self-help against the barbarians by the inaction of a usurper.<sup>82</sup>

Ten years later in 417 Exuperantius was crushing an uprising in Armorica in which slaves had reduced their masters to subjection. There were further risings of *Bacaudae* in Armorica in 435-7 and in 442. There is, however, no reason to connect these peasant revolts with the movement of 408, and they were probably social revolutions. The cities of Britain and Armorica were left very much to their own devices in the last years of Valentinian's reign, and became practically independent, but there is no sign that they wished to break away. The Britons appealed for aid to Aetius in or after 446, and the Armoricans fought with the Roman army against Attila in 451.<sup>83</sup>

A clue to the sentiments of the Egyptians is given by the history written by John, Bishop of Niciu, about two generations after the Arab conquest. As a monophysite Copt he might be expected to display some national pride in Egypt and the Egyptians, and some hostility to the Roman empire. In fact he writes from an imperial standpoint, giving no special emphasis to Egyptian affairs, except that he is better informed on them. He naturally condemns those emperors who had lapsed from the orthodox (that is, monophysite) faith, and especially those like Justinian and Heraclius who had been persecutors. But he gives high praise to the pious Anastasius and even to Tiberius Constantine, who merely tolerated monophysitism. He does not rejoice in the Arab conquest as a delivery from the Roman yoke, but laments it as a chastisement inflicted by God upon the empire for the heresy of Heraclius.<sup>84</sup>

## CHAPTER XXV

### THE DECLINE OF THE EMPIRE

THE sack of Rome by Alaric in 410 caused a tremendous shock to Christians and pagans alike. Jerome, when he heard the news in Bethlehem, declared: 'When the brightest light on the whole earth was extinguished, when the Roman empire was deprived of its head, when, to speak more correctly, the whole world perished in one city, then "I was dumb with silence. I held my peace, even from good, and my sorrow was stirred".' Only a decade earlier Claudian had written: 'There will never be an end to the power of Rome,' and Ammianus had believed that 'as long as there are men Rome will be victorious and will increase with lofty growth'. The fall of Rome spelt the fall of the empire; it even meant the end of the world. A century before Lactantius had written: 'The fall and ruin of the world will soon take place, but it seems that nothing of the kind is to be feared as long as the city of Rome stands intact. But when the capital of the world has fallen . . . who can doubt that the end will have come for the affairs of men and for the whole world? It is that city which sustains all things.'<sup>1</sup>

To pagans the explanation of the catastrophe was only too obvious. The misfortunes of the empire had increased with the growth of Christianity. The final disaster had come only a few years after Theodosius the Great had closed the temples and banned the worship of the gods. It was plain that the ancient gods by whose favour Rome had climbed to universal power had withdrawn their protection and were chastising the faithless Romans who had abandoned their worship.<sup>2</sup>

The Christians made several answers, none of them very convincing. Orosius in his *Historia contra Paganos* set out to prove that the history of Rome while she still worshipped the gods had been one uninterrupted series of disasters, and that with the barbarians in Spain and Gaul exterminating one another and vying to take service under the empire, things were now at last taking a turn for the better. This was too perverse to carry conviction to any reasonable man. Despite occasional misfortunes Rome had been

victorious and had won a great empire under the old dispensation. Things did not get better, but went from bad to worse, and Salvian a generation later took a quite different line in his *de Gubernatione Dei*. The disasters of the empire, he argued, were the chastisement inflicted by God on the Romans for their sins, their loose sexual morals, their oppression of the poor, and their addiction to the games. By contrast, reviving the legend of the noble savage, he pictured the barbarians as perhaps uncouth but chaste, austere and righteous. The refugees whose homes had been plundered and burnt, the free men who had been carried off and sold into slavery, the sacred virgins whom the Vandals had raped by the score, cannot have found Salvian's arguments very convincing.

Augustine in the *City of God* used both these arguments, but his main theme was different. It was true, he admitted, that in the *civitas terrena* pagan Rome had prospered and the history of the Christian empire had been calamitous. But what did the things of this world matter in comparison with the spiritual world, the *civitas Dei*? To the Christian earthly disasters were indifferent, they were even to be welcomed as sent by God to discipline and purify the faithful. This world was only a vale of tears, and true blessedness was to be found in the life of the spirit here on earth, and in all its fullness in the world to come.

In the eighteenth century the debate on the fall of the empire was resumed, and it has gone on ever since. Rationalists like Gibbon saw religion as a primary cause of its decline, but in a very different way from the pagan and Christian controversialists of the fifth century. Christianity in his view sapped the morale of the empire, deadened its intellectual life and by its embittered controversies undermined its unity. Other historians, according to the temper of their times, have emphasised the empire's military decline, its political or social weaknesses, or its economic decay.

All the historians who have discussed the decline and fall of the Roman empire have been Westerners. Their eyes have been fixed on the collapse of Roman authority in the Western parts and the evolution of the medieval Western European world. They have tended to forget, or to brush aside, one very important fact, that the Roman empire, though it may have declined, did not fall in the fifth century nor indeed for another thousand years. During the fifth century, while the Western parts were being parcelled out into a group of barbarian kingdoms, the empire of the East stood its ground. In the sixth it counter-attacked and reconquered Africa from the Vandals and Italy from the Ostrogoths, and part of Spain from the Visigoths. Before the end of the century, it is true, much of Italy and Spain had succumbed to renewed barbarian



attacks, and in the seventh the onslaught of the Arabs robbed the empire of Syria, Egypt, and Africa, and the Slavs overran the Balkans. But in Asia Minor the empire lived on, and later, recovering its strength, reconquered much territory that it had lost in the dark days of the seventh century.

These facts are important, for they demonstrate that the empire did not, as some modern historians have suggested, totter into its grave from senile decay, impelled by a gentle push from the barbarians. Most of the internal weaknesses which these historians stress were common to both halves of the empire. The East was even more Christian than the West, its theological disputes far more embittered. The East, like the West, was administered by a corrupt and extortionate bureaucracy. The Eastern government strove as hard to enforce a rigid caste system, tying the *curiales* to their cities and the *coloni* to the soil. Land fell out of cultivation and was deserted in the East as well as in the West. It may be that some of these weaknesses were more accentuated in the West than in the East, but this is a question which needs investigation. It may be also that the initial strength of the Eastern empire in wealth and population was greater, and that it could afford more wastage; but this again must be demonstrated.

In one respect, however, the Eastern empire was demonstrably better placed than the Western. It was strategically less vulnerable, and was down to the end of the fifth century subjected to less pressure from external enemies. This suggests that the simple but rather unfashionable view that the barbarians played a considerable part in the decline and fall of the empire may have some truth in it. External pressures and internal weaknesses of course interacted. The enfeeblement of the empire no doubt encouraged the barbarians to win easy spoils. The devastations of the barbarians impoverished and depopulated the frontier provinces, and their unceasing pressure imposed on the empire a burden of defence which overstrained its administrative machinery and its economic resources. But directly or indirectly, it may be plausibly argued, barbarian attacks probably played a major part in the fall of the West.

During the first two centuries of the Principate the empire held its own against the barbarians with very little trouble. There was a serious crisis under Marcus Aurelius, and from the reign of Severus Alexander the imperial armies found increasing difficulty in beating off attacks across the frontier. How far was this due to increasing barbarian pressure? We know next to nothing of what

was happening in the forests and marshes of Germany and the steppes of eastern Europe, but it is observable that in these areas there were long periods of relative stability, broken only by perennial border wars, and other periods of widespread restlessness. Trouble generally started when a tribe, whether because it had outgrown the means of subsistence in its homeland, or because it was hard pressed by aggressive neighbours, or lured by stories of richer lands far away which might be plundered or occupied, decided to abandon its home and start on trek. Such a movement had a snowball effect. Other tribes were excited and joined the adventure: others again were displaced and forced to migrate elsewhere; unless the movement was nipped in the bud, it tended to proliferate over a wider and wider area.

Some such movement probably produced the violent irruption of Gallic tribes into Italy in the fifth and fourth centuries B.C. and into the Balkans and Asia Minor in the third. The Cimbri and Teutones, whose migrations caused such turmoil at the end of the second century B.C., are certainly a case in point. Caesar was able to check a movement of the Helvetii before it gathered way. Then for two centuries northern Europe was quiescent. We do not know what caused the disturbance of the Quadi and Marcomanni which gave Marcus Aurelius so much trouble, but in the third century we know from their national legends of the great trek of the Goths and other East German tribes from their homes round the Baltic. They and the tribes that they set in motion broke into the empire and were only beaten back after long struggles by the great Illyrian emperors of the late third century, and barbarian pressure on the Rhine and Danube remained heavy during the fourth.

From the third quarter of the fourth century there appears a new disturbing force, the Huns. Their advent produced panic and turmoil throughout the German tribes. Fleeing before them the Visigoths sought refuge within the empire and the Ostrogoths trekked westward. It was without doubt the pressure of the Huns, direct or indirect, that caused waves of Germanic tribes to flood into Italy under Radagaesus and to sweep over the Rhine a few years later. The Hunnic kingdom itself grievously afflicted the empire until it broke up in 454, and in the wake of the Huns came other Asiatic tribes, such as the Avars, who in their turn set in motion the Slavs.

\* It is impossible to measure numerically the strength of the attacking forces. Contemporaries certainly often grossly exaggerated the numbers of the barbarian hordes, and on the meagre and for the most part unreliable evidence available it would seem that

a tribal group such as the Vandals or the Visigoths could not put into the field more than twenty or thirty thousand fighting men. To modern ears such figures seem negligible, but in relation to the size of the armies which the empire could muster at any given point they were formidable. Moreover it must be remembered that the empire had to defend itself against a considerable number of such groups, and that some major disasters, such as the great breakthrough on the Rhine in 407, were the result of a combined movement of several tribes. The difficulties of the defence were increased by the anarchic state of the barbarian world. The movements of the barbarians were entirely unpredictable; at any point along hundreds of miles of frontier there might at any moment flood a swarm of warriors which far outnumbered the troops immediately available. Moreover the gaps in the front line were always filled by newcomers; scarcely had the power of the Huns been broken when the Avars appeared in the West, and less than twenty years after Justinian's army had finally cleared the Ostrogoths out of Italy the Lombards swarmed in.<sup>3</sup>

Though we cannot gauge the numbers involved, we can, if we compare the narratives of two historians who wrote on a similar scale—Tacitus and Ammianus—sense the change between the first and the fourth century A.D. In the *Annals* there are occasional border disturbances, but on the whole the frontier armies have very little to do except when an aggressive commander carries the war into enemy territory. In the pages of Ammianus we see Constantius II, Julian, Valentinian and Valens constantly engaged in repelling an attack here or conducting a punitive expedition there, and if for a moment their backs are turned, the barbarians forthwith break in. And except for the last book, Ammianus' history describes the period before the impact of the Huns pushed the German tribes westwards and redoubled the pressure on the Roman frontier.

The Persian empire under the Sassanid dynasty was certainly a more formidable enemy than had been the Parthian empire in the first two and a half centuries of the Principate. It was probably, when it put its full strength into play, more formidable than any but the largest concentrations of German tribes; the largest Roman armies on record were mustered against Persia.<sup>4</sup>

On the other frontiers the barbarians were a nuisance rather than a menace, but everywhere the pressure seems to have increased. In the diocese of Africa, where we hear of very little fighting under the Principate after the annexation of Mauretania by Claudius, the Moorish tribes became increasingly aggressive from the end of the third century and by the sixth were a constant menace. Cyrenaica,

which had been ungarrisoned under the early empire, suffered from heavy raids in the fifth century. In Upper Egypt, which had been adequately protected by half a dozen auxiliary units, a much larger garrison found it difficult to cope with growing activity of the Nobadae and Blemmyes. Even in the interior of the empire the Isaurian highlanders, who had given no trouble since the early first century, from the late third were a constant menace to the surrounding provinces.

The brunt of the barbarian attack fell for obvious reasons on the West. In the fourth century the Western emperor was generally responsible for the defence of the whole length of the Rhine and Danube frontier, except for the last 300 miles of the Danube's course. Even in the fifth century, when the Eastern emperor took over the Dacian and Macedonian dioceses, the Western emperor still had more than twice as long a frontier to guard. This put a constant heavy strain on the resources of the West, and moreover presented it with a very difficult strategic problem. It was beyond the resources of the Western empire to contain a simultaneous attack on the Rhine and the upper Danube, and when the front line was breached by such a double assault, as it was in the early fifth century, there was no satisfactory second line of defence. The Eastern emperor had less front to cover, and therefore less constant wear and tear on his resources, and if the lower Danube was breached, as it often was, could and did hold the enemy at the Straits. The defence of his capital, indeed, forced him to hold this line at all costs, and adequate forces were always kept in reserve to guard Constantinople. In the West the defence of Rome absorbed troops which might from a purely strategical point of view have been better employed guarding the Pyrenees or the straits of Gibraltar, and the result was that when the Rhine frontier was breached the barbarian invaders surged on almost unchecked into Spain, and a few years later were able to cross into Africa.

The Eastern emperor was, it is true, responsible for the defence of the empire against the Persians, and when Persia was aggressive this was a heavy burden. But the Persian kings had their own troubles, dynastic disputes, internal rebellions and the barbarian pressure on their own northern frontier, and they generally preferred to keep the peace with Rome. There was a brief Persian war under Diocletian in 297-8. There were prolonged, but not continuous, hostilities from the accession of Constantius II in 337 to the defeat of Julian's great expedition in 363. Thereafter, apart from some rather desultory fighting in Armenia under Valens and two brief wars under Theodosius II in 421-2 and 440-2, there was peace until in 502 Cavades attacked Anastasius.

In the 240 years which passed between the accession of Diocletian and that of Justinian there was thus a state of war between Rome and Persia for less than forty, and in most of those forty years there were no hostilities, but truces, official or unofficial, during which negotiations were pursued. Moreover when peace was arranged, there was genuine peace: Persia was a civilised power which normally kept its bond and could control its subjects. For most of the fourth century therefore and nearly all the fifth the empire did not have to worry about its Eastern frontier. From the beginning of the sixth century Persia, under a series of vigorous and aggressive kings, Cavades (488-531), Chosroes I (531-79) and Hormisdas IV (579-90) exercised heavy pressure on the empire, but there were long spells of peace, from 507 to 527, from 531 to 540, from 562 to 577 and from 590 to 602, and between 545 and 562 there were a series of truces, partial or complete, and little fighting of importance. Nevertheless the strain was severe, and partly accounts for the débâcle which followed the death of Maurice.

All things considered it would appear that on all fronts the empire was exposed to much greater pressure from the middle of the third century, and that this pressure became yet more intense with the advent of the Huns, and did not thereafter relax. It is also plain that the Western empire bore much more than its fair share of the burden and was much less favourably placed to make a recovery when its first line of defence was broken. Within twenty-five years of the great break-through on the Rhine, Italy was encircled by barbarian kingdoms in Gaul, Spain and Africa, and the struggle became hopeless. The Eastern emperors always had the resources of Asia Minor, Syria and Egypt on which to draw, and could always hold any tribes that crossed the Lower Danube at bay until they tired of ravaging Thrace and Illyricum and moved on to less devastated areas. In this way the strength of the East contributed to the troubles of the West. The Visigoths under Alaric moved West into Italy, having exhausted the possibilities of Illyricum, and so did the Ostrogoths under Theoderic. Even Attila tired of ravaging the Balkans and ultimately marched against the West. They all realised that Constantinople was too tough a nut to crack.

Some critics have stressed the evil consequences of the division of the empire, particularly after 395, and have urged that if its whole resources had been pooled the Western fronts could have been held. It is true enough that during Stilicho's ascendancy

friction between the Eastern and the Western governments materially aided Alaric's ambitions, and that thereafter the Eastern emperors only gave spasmodic help to the West. A few regiments were sent by Theodosius II to Honorius' aid in Italy; the usurper John was crushed and Valentinian III installed; three expeditions were sent against the Vandals in Africa, the last on a very big scale, and Anthemius was furnished with some troops by Leo. Much more might have been done if one emperor had ruled the whole empire, but it is doubtful whether one man could have effectively controlled both the East and the West in the political and military conditions of the time, when communications were so slow and crises so frequent and so sudden. Whenever by any chance the control of the empire did devolve upon a single ruler, he always in fact delegated the government of a part to a colleague or colleagues, equal or subordinate to himself. When Constantine had eliminated all his rivals, he divided the administration of the empire between his sons and nephews as Caesars. When Constantius II moved west to attack the usurper Magnentius, he left the East in charge of the Caesar Gallus, and when he moved east again he entrusted the defence of the Gauls to the Caesar Julian. When Valentinian was elected the army forthwith demanded that he appoint a colleague. Theodosius I left his elder son Arcadius in charge of the East when he marched west against successive usurpers, and divided the empire at his death between his two sons. It seems to have been regarded as axiomatic that two emperors at least were required to cope with the dangers which threatened on the Rhine, the Danube and the Euphrates.

It is moreover arguable that the resources of the Eastern parts might have been exhausted, and the West have none the less been lost. When Justinian did reconquer Africa and Italy he seems to have found them a heavy burden, and though Africa ultimately proved to be an asset under Heraclius, Italy was a constant drain on the empire's resources. Nor did the Western dioceses find unitary government an unmixed blessing. The emperors at Constantinople naturally gave the Eastern and Danube fronts priority, and starved Italy and Africa of troops and money.

The constitution of the empire has been criticised for its failure to provide a clear rule for the succession to the throne, and thus permitting, if not encouraging, usurpations. For the third century the charge has some substance, but from the time of Diocletian the college of emperors provided the continuity required. When a member of the college died, his colleague or colleagues appointed his successor: they could also nominate their successors in advance. Only if the college became extinct did the choice of an emperor

devolve upon the senate and the army. From Constantine onwards the hereditary principle was *de facto* followed. It evidently accorded with the sentiment of the army and made for stability, though it produced minorities and incompetent rulers. Unfortunately dynasties were short-lived: those of Constantine and Valentinian I lasted only two generations, those of Theodosius and Justin I three. Nevertheless these families built up a certain tradition of loyalty.

It is true that the empire too often dissipated its strength in civil wars, but in this respect its record from the fourth century was far better than it had been in the third. Diocletian maintained internal peace for twenty years, broken only by two revolts—those of Carausius in Britain and of Domitius Domitianus in Egypt. After his death there was an orgy of civil wars until Constantine finally conquered Licinius in 324. Thereafter the record of the Eastern parts is strikingly good. Apart from the rather feeble attempt of Procopius to challenge Valens there was no rebellion until the reign of Zeno, who lacked both dynastic and personal prestige. He had to face three revolts, those of Basiliscus, Marcian and Illus' protégé Leontius. He mastered them all, but left Anastasius the task of reducing the Isaurians to obedience: Anastasius later, by his unpopular religious policy, supplied a pretext for the rebellion of Vitalian. After this there was no attempt at usurpation until the mutiny which brought Phocas to the throne.

In the East not only were legitimate emperors rarely challenged but when an emperor had not already designated his successor, an election was held in a constitutional manner, and its result accepted. The record of the West is by no means so good. Constantine II and Constans fought one another, Magnentius murdered Constans, Julian usurped the title of Augustus, Magnus Maximus rebelled against Gratian and Arbogast put up Eugenius against Valentinian II. Under Honorius there was a crop of tyrants—Attalus, Constantine and Jovinus, and after his death John. After the death of Valentinian III emperors were set up and deposed with bewildering rapidity. In Africa there were a series of local pretenders—Firmus, Gildo, Heraclian, Boniface.

All these usurpations provoked civil wars, some minor, some of major importance. Several involved the forces of the East; Theodosius the Great had to subdue Maximus and Eugenius, Theodosius II John, and in all three cases the struggle was severe and the losses heavy, especially to the Western armies, which were defeated. It is hard to see why rebellions were so much more rife in the West than in the East. One reason may be that in the West the incompetence of a feeble emperor was more glaringly

revealed because he had greater difficulties to face. The disasters of Honorius' reign invited usurpers to take over the defence of the empire; his equally feeble brother and nephew did not have their incompetence put to the test. But probably the principal reason for the greater stability of the Eastern empire was that monarchy was more deeply rooted there, and respect for royal authority had a longer tradition behind it. The Greek East had lived under kings from time immemorial, and had promptly hailed Augustus and his successors as kings.

Apart from usurpations, which were due to the ambition of individuals, some modern historians have seen a growth of regional or national sentiment in the later empire, and a tendency of outlying provinces to break away from the empire. The evidence for such a view is very tenuous. There is the alleged revolt of Britain and Armorica in 408, which was more probably an attempt at self help, when the emperor, who incidentally was the usurper Constantine, failed to do his duty and protect his subjects from the barbarians. There is the election of Avitus by the senators of Gaul; but Avitus had no intention of founding an *imperium Galliarum*, but promptly marched to Rome. The revolts of Firmus and Gildo have also been regarded as nationalist risings because their leaders came of a Moorish princely family. But there is nothing in the history of the family which suggests that its members were not merely ambitious careerists. Gildo aided the Roman government to crush his brother Firmus, and was himself subdued by his brother Mascazel.<sup>5</sup>

The only other evidence adduced for the theory is the virulence and stubbornness of certain regional heresies, notably Donatism in Africa and monophysitism in Egypt and Syria. That local loyalty played a large part in the devotion of many Africans to the Donatist cause and of most Egyptians to the monophysite faith may be granted; the case of Syria is much more disputable. It is also true that the Donatists and monophysites execrated those emperors who persecuted them, and violently resisted attempts to impose catholic or orthodox bishops upon them. This resistance certainly imposed an additional burden upon the imperial armies; very few orthodox patriarchs of Alexandria could be installed or hold their own without the backing of several regiments of troops. But evidence is entirely lacking that either sect envisaged secession from the empire, or gave welcome or support to the empire's enemies. If the Donatists had supported the Vandals, we should certainly have heard of it from Victor Vitensis and the other African catholics who told of the tribulations of the faithful under the Vandal kings. We know from Coptic sources that the Persian invaders of Egypt



under Heraclius were remembered not as liberators but as scourges of God, and John of Niciu took a similar view of the Arabs. The only religious minority which showed active hostility to the Roman government was the Jews, and they seem to have been goaded into opposition only by Justinian's ruthless measures. The Jews of Naples were the backbone of the city's resistance to Belisarius, and the Jews of the East took advantage of the Persian invasion under Phocas to turn upon their Christian oppressors and rejoiced in the defeat of Heraclius' armies by the Arabs.<sup>6</sup>

The army of the later empire has been criticised on many counts. On two at any rate the imperial government cannot be accused of negligence. In the first place it enormously increased the size of the army. Reliable figures are lacking, but it is certain that Diocletian increased numbers very substantially, and it seems likely that before the end of the fourth century the army was twice as large as it had been in the second. This was no mean achievement, but the recruitment of so large a force, despite the free use of barbarian soldiers, put a heavy strain on the manpower of the empire, while its maintenance greatly overtaxed its economic resources. In the second place, in order to meet the requirements of a situation where mobility was essential, the imperial government greatly increased the proportion of cavalry to infantry. This change added substantially to the expense of maintenance: for the fodder of a horse cost as much as the rations of a man.

How far these huge forces were used to the best advantage is questionable, but the general strategic principle was sound. Under the Principate the whole army had been evenly distributed round the frontier and there was no reserve. If a major crisis developed or if offensive operations were undertaken, a temporary concentration of troops was formed by withdrawing detachments from the quiet sectors of the front. In the relatively peaceful conditions which prevailed under the Principate such a system was possible; its success indeed is a proof that pressure on the frontier cannot have been heavy. When pressure increased in the third century the defence of the empire broke down. Diocletian, still clinging to the old strategy, endeavoured to restore the situation by greatly strengthening the frontier forces, but even an army of double the size could not have manned the frontier in sufficient force to hold the much heavier and more frequent attacks which the empire had now to face. Constantine was certainly wise in developing the imperial *comitatus* into a substantial mobile

reserve, which could be rushed to any sector which had been breached.

Successive emperors increased the size of the *comitatus*, but its unity was not maintained after Constantine's death. The division of the field army into several groups was partly a consequence of the political division of the empire, but it was also dictated by sound strategic reasons. The empire was too large and communications were too slow for a single reserve to cover all the fronts, and it proved necessary to create regional reserves for the Rhine, the upper and the lower Danube and the Eastern frontier, in addition to the central reserves at the disposal of the emperors. The system was sound enough in principle, but it was in the fifth century carried to excess in the West, where regional reserves were formed for Africa, Spain and Britain, and became too rigid in the East, where the army of Oriens, which for the long periods of peace with Persia had little work to do, does not seem to have been used for the pressing needs of the Danube front. In both East and West moreover the regiments of the field army tended increasingly to be used for garrison duty in the interior and ceased to be mobile.

By withdrawing the best units from the frontier to serve in the *comitatus* Constantine somewhat weakened the *limitanei* from their peak strength under Diocletian, but the frontier armies at the end of the fourth century remained considerably more numerous than they had been under the Principate, when they formed the sole defence of the empire. They could no longer be expected to withstand major attacks, but they remained essential if the provinces were to be protected against constant small-scale raids. Without them the barbarians would have extended their ravages further and further into the interior, and the empire would have been destroyed by gradual attrition.

On the quality of the imperial armies it is difficult to judge. Vegetius repeatedly laments their degeneracy in his day, but he was an antiquarian and a *laudator temporis acti*. As all readers of Tacitus know, the Roman army of the Principate was not impeccable. The troops sometimes mutinied; they sometimes panicked and fled before the enemy; they were very prone to ravage a friendly countryside and to sack Roman towns when occasion offered. Discipline was slack in legions stationed in towns, and the men were allowed to neglect their military duties and follow civil avocations. Centurions used their authority to extort money from their men. Nevertheless the army of the Principate was on the whole a very efficient force. Similar abuses flourished in the army of the later empire, almost certainly on a larger scale, but it does not necessarily follow that its fighting quality was seriously impaired,

In two respects the later Roman army was superior to that of the Principate. In the first place it was on the whole better officered. Under the Principate both commanders of regiments and generals of armies had been in the main civilians holding temporary commissions, and few of them remained long enough in their posts to acquire experience. In the later empire most officers were professional soldiers. Regimental commanders were not uncommonly promoted from the ranks, and generals were usually chosen from officers who had proved their ability in command of regiments. In the second place the later Roman army was remarkably obedient to its commanders, and did not exploit its position to hold the government to ransom. Though much worse off than under the Principate the troops never tried to extort an increase of pay or even a larger donative from the government: the rates of both remained static for over three centuries. It was only when under Justinian their pay fell into long arrears that some units mutinied or deserted, and the military rebellions under Maurice were provoked by his attempts to reduce pay and make the conditions of service more onerous.<sup>7</sup>

The *limitanei*, having become second-class troops, certainly declined in efficiency. They received recruits of inferior quality and were too often commanded by officers whose main objective was to make money. It was among them that administrative abuses were rampant, and the government found it difficult to maintain their numbers and discipline. Their deterioration has however been greatly exaggerated by modern historians, and in the sixth century the government not only thought it worth while to maintain them on the Danubian and Eastern fronts, but tried to recreate them in the reconquered provinces of Africa.<sup>8</sup>

The field army, on the other hand, received the best recruits and officers of better quality. To judge by its battle record it remained a tolerably efficient fighting force. Under good leadership Roman armies could still defeat barbarian hordes which far outnumbered them, as the victories of Stilicho over Alaric and Radagaisus and of Belisarius over the Vandals and Ostrogoths amply demonstrate.

Both in antiquity and in modern times the emperors have been severely criticised for relying to excess on German troops and German officers. Stilicho, after his fall, was denounced as a traitor. Synesius, in his address to Arcadius, enlarges on the folly of entrusting the defence of the flock to the very wolves who raven against it, and eloquently urges the formation of an exclusively national army of Roman citizens.

A study of the history of the empire suggests that both criticisms

are ill-founded. Some German generals were politically ambitious and like Stilicho or Gainas held, or aspired to hold, supreme power under a faineant emperor, or even, like Arbogast and Ricimer in the West or Aspar in the East, put up puppet emperors; some like the last named coveted the purple for their sons. But generals of Roman birth, like Constantius or Aetius or Illus, did the like, and no career officer of German origin—as opposed to tribal chieftains like Alaric and the two Theoderics who extorted high military commands from the government—is ever known to have betrayed the interests of the empire to his countrymen. The same applies to the rank and file. There is no hint in our sources that Germans recruited into the regular army and properly administered and disciplined were ever unreliable. The trouble was caused when, from the time of Theodosius the Great, barbarian tribes which had forced their way into the empire were given the status of federates. The Roman government was perhaps unwise in inviting refugee tribes to settle within the empire, as did Marcian after the fall of the Hunnic empire, but in general it was making the best of a bad job when it tried to use as federates tribes which had broken in and which it had not the strength to expel or destroy.<sup>9</sup>

An attempt has been made to prove that the fall of the empire in the West was due to the decay of trade and industry. The argument runs that in the early Principate Italy had flourished by manufacturing and exporting products such as Arretine ware to the provinces. Later such products were manufactured locally in the provinces, and Italian industry decayed and trade withered away. Finally the provincial industries, unable to expand beyond the frontiers, themselves decayed. It is difficult to see the force of this argument, assuming that the facts were as alleged. There never had been a large-scale export trade beyond the frontier; imports had always been paid for mainly in coin, and their volume was hardly significant in relation to the wealth of the empire. In so far as industry was decentralised within the frontiers of the empire there was no net loss: what Italian manufacturers lost, provincial manufacturers gained. If, as would appear, goods could be as cheaply and efficiently made in the provinces as in Italy, there was in fact a net saving in that the costs of transport were eliminated. Trade in manufactured articles may have declined, as did trade in certain agricultural products; as viticulture was extended to new areas, the wine trade must have declined. But trade is not a good thing in itself; it adds to the community's wealth

only in so far as it supplies areas with goods which they lack or can only produce at high cost.<sup>10</sup>

In fact it is very doubtful whether there ever had been any large-scale inter-provincial trade. The evidence suggests that the production of one commodity of basic importance, clothing, had always been decentralised. Workaday clothes for the poor and sound medium fabrics suitable for army uniforms seem always to have been woven locally in every city and indeed village, and it was only silk and very high-quality woollens and linens that were manufactured in a limited number of towns and exported to distant markets.<sup>11</sup>

There continued to be a brisk trade in such high-grade fabrics down to the seventh century from end to end of the Mediterranean, and there is no sign that the demand for other luxury goods diminished, or that supply fell off. There may have been some contraction of the market for medium priced and cheap goods owing to the impoverishment of the peasantry and the urban working class and the lower strata of the *curiales*. But the decline of trade and industry, in so far as there was a decline, was a result and not a cause of a general economic recession. Finally it was of very marginal importance. Even in the Eastern parts, where their importance was admittedly greater and their decay less marked, trade and industry made a minute contribution to the national income.<sup>12</sup>

That there was some recession in the major industry of the empire—agriculture—cannot be disputed. The laws about *agri deserti* prove that land once cultivated was being abandoned from the third century to the sixth, and the few figures available show that in some areas where conditions were particularly unfavourable, such as Africa, the loss by the fifth century was enormous, up to 50 per cent., and that in others which there is no reason to think exceptional it amounted to some 10 per cent. or 15 per cent. The decline may have been in some areas due to exhaustion of the soil by overcropping, in others to the progress of denudation: sometimes it may have been due to lack of labour. Some of the loss was attributable to the direct pressure of the barbarians, whose continual *razzias* made cultivation unprofitable if not impracticable in the exposed border provinces. The principal cause of the progressive abandonment of land was, however, as contemporaries held, the heavy and increasing load of taxation, which on land of marginal value absorbed so much of the rent that landlords could make no profit, and might incur a loss. In so far as the high taxation was caused by the heavy military expenditure of the empire, the decline of agriculture was thus indirectly caused by barbarian pressure.<sup>13</sup>

The extent of the decline must not be exaggerated. Taken as a whole the area was not very large, and the loss in yield was less, since it was the least productive land that was abandoned, and moreover much land officially registered as uncultivated continued to be worked by landlords or local authorities responsible for the taxes, in order that the product should at least help to cover them. Against the areas abandoned must also be set some areas which were brought under cultivation for the first time during the same period. It must be emphasised that there was no general agricultural decline; land of good and medium quality continued to pay high taxes, yield high rents and command high prices.

Depopulation has been regarded as a major factor in the decline of the empire. Unfortunately our information is so vague, and facts and figures are so sparse that it is impossible to calculate what the population of the empire was at any date, or how much it declined, if, as is very probable if not certain, it did decline. All we can do is to note certain demographic trends, and speculate about their causes.<sup>14</sup>

The population of the empire undoubtedly was, and always had been, very small by modern standards. Figures for the *annona* suggest that the inhabitants of Rome numbered between half and three-quarters of a million in the early fourth century and that Constantinople had reached about the same figure in the sixth. Alexandria, the third city of the empire, was to judge by its *annona* half the size of Constantinople in the sixth century. Libanius gives the figure of 150,000 and John Chrysostom 200,000 for Antioch, probably the fourth city of the empire. These figures for the largest towns, however, even if they were reliable, are not of much use in estimating a population which was predominantly rural, and figures for the rural population are even more difficult to find. At the end of the first century the population of Egypt, excluding Alexandria, numbered, according to a reliable source, seven and a half millions, and it was certainly not greater under the later empire. For the Civitas Aeduorum in the reign of Constantine we have a precise figure: the number of *capita* registered in a recent census was, according to a contemporary local orator, 32,000. The orator's words clearly imply that this figure included women, but not young children (by analogy with other parts of the empire we may exclude those under twelve or fourteen). We must then add half as much again for the children, reaching a total of about 50,000. Unfortunately we do not know whether the Gallic *capitatio* included

the urban as well as the rural population. The *Civitas Aeduorum* was one of the larger of the hundred and twenty cities of Gaul: the exact extent of its territory at this date is not certain but has been plausibly calculated at one forty-eighth of the area comprised between the Rhine, the Alps, the Pyrenees and the Atlantic ocean. The total rural population of this area, perhaps its total population, would then have been less than two and a half millions.<sup>15</sup>

We know something of the age distribution of the population from tombstones. Their evidence is incomplete, for they exclude the very poor, who could not afford tombstones; women also are less well recorded than men, and on children the evidence is so incomplete as to be useless. There are minor variations between different areas and between town and country, but broadly speaking the same pattern emerges everywhere, and there is no significant difference between the Principate and the later empire. This pattern is markedly different from that of modern European countries, and coincides very closely with that of India at the beginning of this century. The death-rate was uniformly high at all ages from ten, below which we have no adequate data; judging by modern analogies the infant and child death-rate would have been very much greater than that of adults. The female death-rate was substantially higher than the male, especially in the child-bearing years. Thus in Africa, of 100 boys of ten 85 survived to 22, 74 to 32, 58 to 42, 47 to 52, and 36 to 62. For girls the corresponding percentages were 73, 54, 47, 39 and 28. A population with so high a death-rate would have required a very high birth-rate even to maintain its numbers, and modern populations of a similar structure have in fact very high birth rates.<sup>16</sup>

Though it is at first sight startling that the population of the Roman empire should have been similar to that of India fifty years ago, it is on reflection not unnatural. Conditions were basically similar. [The Roman empire was a country of peasants, who lived near subsistence level.] Their resistance to disease must have been weakened by chronic malnutrition. Medical science was primitive and doctors few. The threat of famine was always near.

Such populations are normally very resilient, rapidly recovering from any but the severest checks caused by massacres, famines or epidemics. They tend generally to increase up to the maximum number that the country can support at subsistence level. The ceiling is fixed naturally not only by the gross amount of food available, but by its distribution; if more than the minimum is consumed by some sections of the population, the number which can be supported at subsistence level will be reduced.

There are many indications that there was a chronic shortage

of manpower in the later empire. It must have been for this reason that the government forbade workers in essential industries—miners, armourers, weavers and dyers in the state factories, and above all agricultural workers—to leave their occupations, re-claimed them when they strayed from them, and compelled their children to follow their fathers' occupation. The labour shortage is most manifest on the land. It is plain that landlords were perennially short of tenants to cultivate their land. They were always ready to accept barbarian prisoners of war as *coloni*. They would rather pay 25 or 30 solidi, more than the normal price of a slave, than give up a *colonus* as a recruit to the army. They hunted down their *coloni* when they escaped, and despite all penalties they welcomed fugitive *coloni* from other estates. The laws tying *coloni* to the soil were never relaxed, but were, on the contrary, tightened. Anastasius tied free tenants to their farms if they stayed more than thirty years. When Justinian declared the son of a free woman by a *colonus adscripticius* to be free, he was bombarded by protests from landowners, who declared that their estates were being deserted. The shortage of labour on the land was not, so far as we can see, due to a movement from the country to the towns: the movement was rather in the opposite direction. *Coloni* normally, the laws imply, moved to another farm if they left their own. Miners and urban craftsmen often had to be reclaimed from the land.<sup>17</sup>

This of course does not necessarily mean that the population shrank. A labour shortage may be caused either by a decline in the supply or by an increase in the demand for manpower, and in the later empire there were greater demands for manpower by the church, the civil service and above all the army. It may seem absurd to suggest that an army of 650,000 men could have strained the manpower resources of an empire which stretched from the Western Ocean to the Euphrates, especially as a substantial number of the recruits were barbarians from outside the frontiers; and as compared with those of the army the demands of the civil service and the church were negligible. But it must not be forgotten how sparsely inhabited the vast area of the empire was by modern standards. Increase of the demand may therefore have made a significant contribution to the labour shortage from which the later Roman empire suffered.

There is however proof that the population did sink. As we have seen progressively less land was cultivated, and less food must therefore have been produced. The empire never either imported foodstuffs or produced a surplus for export. Since consumption per head could hardly sink for the mass of the population,



who were already near subsistence level, the population must have grown smaller. There was moreover an increasing maldistribution of the diminishing quantity of food which was produced. Soldiers enjoyed ample rations—their consumption was perhaps twice as much as that of poor peasants—and civil servants and most of the clergy were at least as well fed. As the army, the civil service and the clergy increased in numbers, the proportion of the total amount which was left for the mass of the population sank, and their numbers must have sunk correspondingly.

The reasons for the decline are more difficult to determine. There was a great plague under Marcus Aurelius, which recurred from time to time during the third century: outbreaks are recorded under Gallus in 251, under Gallienus about 261, and under Claudius in 271. It is probable that this plague had spent its force by Diocletian's reign. No other great plague is recorded—and such events are noted even in the baldest chronicles—until the bubonic plague which swept the empire in Justinian's reign from 542 onwards.<sup>18</sup>

There were of course many local disasters which reduced the population. Barbarian raiders sometimes massacred the inhabitants, but more often they carried them off; and though many such prisoners no doubt died in exile, more were ransomed or sold as slaves within the empire. Barbarian devastation produced famines, which were followed by epidemics. Famines also occurred from natural causes, droughts or invasions of locusts, and these too were often followed by epidemics. Modern analogies, however, suggest that a population of the type of that of the Roman empire should have had a very high birth rate, and ought to have recovered rapidly from such temporary and local losses.

One is driven to the conclusion that the population dwindled because, when they had paid their rent and taxes and other exactions, the peasantry had not enough left to rear sufficient children to counterbalance the very high death-rate. What evidence we have supports this hypothesis. We know that the land tax which the peasant proprietor paid had reached over a third of his gross product by Justinian's reign, and that the rents paid by the tenant farmer were substantially more, in Egypt at least half. Poor parents were often driven to infanticide. In 315 Constantine ordered the publication throughout Italy of a law 'which may withhold the hands of parents from murder'; any parent who produced 'a child which he could not rear because of poverty' was to be forthwith issued with food and clothing, 'since the raising of a newborn infant does not admit delay'. The sale of newborn infants had become so common that, contrary to the principles of Roman law, it was officially permitted by Diocletian's day, and the poor, despite

the law, commonly sold or pledged their older children. The practice is alluded to by Constantine in another alimentary law, and is frequently mentioned in hagiographical tales and in the papyri. Cassiodorus states that there was a regular market for peasants' children at a great fair in southern Italy.<sup>19</sup>

Perhaps the most significant sign, however, of the poverty of the peasantry, and of the reason for it, is the fact that in times of famine they flocked to the towns for bread, and were often fed from stocks held by the government or the landowners. So ruthless and efficient was the collection of rents and taxes that, however poor the crop, the quantity due to the state and the landlords was carried off to town, and the peasants might be left with little or nothing for their own needs.<sup>20</sup>

How many children died of malnutrition or deficiency diseases we have no means of estimating, but the record of nine complete peasant households preserved in the early fourth-century census lists of western Asia Minor suggests that few children survived and also that the general mortality rate was high and that men married late in life. There is only one fair-sized family, a man (aged 65) with a wife and three sons and one daughter, ranging from 6 to 14. A widower of 56 has two sons under four years of age, he also keeps a woman of 48 and a boy of three, labelled orphans or foundlings. A couple aged 30 have a three-years-old son and keep two other boys, one apparently a nephew. An older couple (aged 60 and 52) have a son and a daughter. A widow has an adult son and a daughter of eleven. A widow of 20 has a baby girl of two. A widower has one son of 11, and another, aged 40, a son of 20; he also keeps a woman of 30, perhaps a sister, perhaps a second wife. Finally there is a bachelor of 20, living alone.<sup>21</sup>

The condition of the urban poor, though they were much more lightly taxed, was no better. They too were frequently, almost regularly, it would seem, driven to sell their children to pay the *collatio lustralis*. They too in times of shortage had to be supplied with cheap bread at the expense of the city authorities. It seems unlikely that they could have reared large families, and in towns, as the statistics drawn from tombstones show, the general rate of mortality was substantially higher than in the country. Though in some parts of the West, notably Italy and Gaul, there was an exodus of urban workers to the countryside, the reason was not that the population of the towns had grown, but that urban industry was on the decline and there was not enough employment even for a shrinking number of workers.

Neither the poverty of the peasantry and the urban working class, nor the decline of the population, must be exaggerated.

There were many prosperous peasants and craftsmen, and many more who led a tolerable existence. It would, however, appear that as a whole they could not rear enough children to maintain the population against the very high death-rate prevailing. The population fairly certainly sank, but if the decrease may be measured by the amount of land abandoned, it was not in most areas catastrophic.

The basic economic weakness of the empire was that too few producers supported too many idle mouths. This state of affairs was in part an inheritance from the Principate, in part imposed by increasing barbarian pressure, in part again due to the incompetence of the government, in part finally to the new religion which the empire adopted.

The later empire inherited a number of extravagances from the more prosperous days of the Principate. It still provided a free ration of bread (and of pork in season) to 120,000 citizens of Rome: the number was only about half that of the *plebs frumentaria* under the Principate, but Constantine instituted a similar free issue to 80,000 citizens of Constantinople, and here the number of beneficiaries was subsequently increased. A few major provincial cities enjoyed a similar privilege, Alexandria, Antioch and perhaps Carthage; the first of these received it from Diocletian.<sup>22</sup>

Another body of idle consumers inherited from the Principate was the senatorial order. Though numerically small it was immensely rich, and absorbed a disproportionate share of the national income. Each senator directly maintained an army of slaves to minister to his wants, and indirectly employed a great number of artists, craftsmen and merchants to supply him with luxury goods. The later emperors made little attempt to reduce the wealth of the senatorial order by special taxation, and weakly granted it fiscal privileges. They also vastly increased the numbers of the order, and lavishly enriched its members, old and new, by allowing them to make huge illicit profits from the offices which they held, and by bestowing upon them extravagant gifts of gold and land. The huge and ever-growing wealth which the aristocracy enjoyed was in the main derived from the estates which they inherited, bought or received as gifts from the crown, and was a direct charge on the peasantry.<sup>23</sup>

Under the Principate the local aristocracies of the cities had constituted a second class of rentiers, far larger numerically but individually much less wealthy than the senatorial order. This class

shrank both in numbers and in wealth under the later empire, as its richer members moved up into the senatorial aristocracy and its poorer members sold their estates, usually to the imperial aristocracy, while others found their way into the civil service, the church or the professions. The land which the curial aristocracy had held under the Principate thus partly went to swell the estates of the senatorial order and partly provided unearned incomes to the professional middle class, while part was still held by the surviving *curiales*. It still contributed to the maintenance of economically idle mouths, whatever its vicissitudes.<sup>24</sup>

The later empire also inherited from the Principate a professional standing army and civil service. It doubled the size of the former and vastly expanded the latter. For these increases in the number of idle mouths the pressure of the barbarians was largely responsible, directly or indirectly. The empire was obliged to maintain far larger armed forces, and the increased strain put on its fiscal and administrative system by the maintenance of a much bigger army goes far to explain the expansion of the civil service. It must be admitted, it is true, that the government did not make the most efficient use of its military expenditure, allowing too much of it to be absorbed by the peculations of the officers, and wasting too many troops on internal security. It must also be admitted that it allowed the numbers of the civil service to expand beyond the real needs of the administration, and its emoluments, licit and illicit, to grow inordinately. Nevertheless, however efficiently the government had used its resources, it would have been obliged to burden the economy of the empire with a greatly increased army to resist the barbarians, and a larger civil service to administer it and provide for its multifarious requirements.

Finally the Christian church imposed a new class of idle mouths on the resources of the empire. The pagan gods had, it is true, owned some land, whose revenue helped to maintain their temples and to support their cult, but except in Egypt and at a few famous shrines its amount was small, and nowhere outside Egypt did a large body of endowed priests exist. The Christian church from the time of Constantine accumulated ever-growing endowments in land, and from their rents and from the firstfruits of the faithful maintained an increasing number of full-time stipendiary clergy. By the sixth century the bishops and clergy had become far more numerous than the administrative officers and civil servants of the empire, and were on the average paid at substantially higher rates. In addition to the clergy there were many thousands of monks and hermits. Not all of these were idle mouths. The inmates of the Pachomian houses of Egypt produced a surplus, and many

monks and hermits just earned their keep. But a large number lived on the alms of the peasantry, and as time went on more and more monasteries acquired landed endowments which enabled their inmates to devote themselves entirely to their spiritual duties.<sup>25</sup>

None of these classes was economically productive. All of them drew the bulk of their incomes in one form or another from the land, by way of rents, the land tax or firstfruits. Most of them enjoyed a standard of living higher than that of the peasantry. Some, like the richer senators and the best-endowed bishops, had vast revenues; even the humblest, common soldiers, lower civil servants, the lesser clergy and the monks were for the most part substantially better off than the peasantry. The burden proved too heavy for agriculture to bear. The higher rate of taxation led to the progressive abandonment of marginal land once cultivated, and many of the peasants, after paying their rents or taxes, had too little food left to rear their children, and the number of the producers thus slowly shrank.

In estimating the burden one must remember that the Roman empire was technologically as backward as medieval Europe, and in some important aspects more so. Spinning was done with the primitive distaff and spindle, weaving on hand looms. Pottery was turned on the wheel, metal work hammered out on the anvil. In agriculture so simple a device as the wheelbarrow had not been invented; since the horse collar had not been discovered, the ox, a very slow beast, was used for ploughing. The crops were reaped by hand with the sickle; Palladius indeed mentions a reaping machine propelled by oxen, which was already known to Pliny, but it was very wasteful of grain, and was only used on the great Gallic estates, where weather conditions might make speed essential.<sup>26</sup>

Some other mechanical devices, invented in the first century B.C. or earlier, were more commonly used in the later empire. The Apions supplied wheeled machines by the score to their tenants for raising water; these were probably sakkias, driven by oxen, which saved the long hours of human labour required by the shaduf (still commoner than the sakkia in Egypt). Water mills for grinding grain, still a curiosity in the reign of Augustus, had become more common during the third century: Diocletian, in his tariff, fixed prices for the construction of hand, donkey, horse and water mills (250, 1250, 1500 and 2000 denarii respectively), and Palladius in his handbook on agriculture recommends the last. Rome, which was in the first and probably the second centuries dependent on donkey mills, had, by the fourth century, gone over to water mills. Nevertheless, to judge by paucity of archaeological remains and of allusions in literature, and the absence of any rules on water rights

in the law, water mills cannot have been very common. In the Mediterranean area suitable streams with a perennial even flow are not very common; at Rome waterpower was obtained from the aqueducts and the Tiber was only harnessed by an ingenious device, invented by Belisarius, when the aqueducts were cut by the Goths during the siege of 537-8. In most towns the bakers probably used donkey mills, and in the countryside the hand quern was still widely employed, as archaeology testifies.<sup>27</sup>

But the greatest incubus on the empire was the primitive means of transport. Food, clothing and arms had to be carried to the great armies on the frontier, often for hundreds of miles, and except in so far as inland waterways could be utilised all this vast load had to be hauled by slow moving ox wagons.

All this meant that the amount of human labour required to feed, clothe and supply with his household needs one idle mouth was very large. The Romans have been criticised for their un-inventiveness and lack of enterprise. The economic situation clearly demanded labour saving devices, for there was a manifest shortage of manpower, whether slave or free. The anonymous inventor of the oxen driven paddle-boat seems to have been conscious of this; for he boasts that it will be effective 'without the assistance of any large crew', and he also claims that his artillery could be operated by two men only. There existed moreover a fund of theoretical scientific knowledge, on steam power for instance, which was familiar to philosophers and to learned *mechanici* like Anthemius of Tralles.<sup>28</sup>

It is however hardly reasonable to single out the Roman empire for criticism on this score. Until the scientific and industrial revolution which began in the eighteenth century mechanical invention had been in all civilisations excessively rare, and the Romans do not compare unfavourably with the Chinese, the Indians, or with medieval Christendom or Islam. It is only by a rare combination of economic stimulus, scientific knowledge and technological skill—and, it may be added, the genius of an inventor—that practicable inventions are made and exploited. In some ways the social structure of the empire was unfavourable to invention. The skilled workers were humble craftsmen without education, who naturally followed the tradition of their trade. The bias of education was overwhelmingly literary, and its products were mostly uninterested in scientific knowledge: the church condemned scientific thought as worldly vanity. It was only in medicine and in military and civil engineering that educated practitioners existed. It is perhaps significant that highly efficient siege engines were developed and that water power was exploited for sawing marble.<sup>29</sup>

The social regimentation of the empire has been severely criticised as conducive to apathy and inertia and destructive of enterprise. It is true that the imperial government persistently strove by legislation and coercive measures to tie certain classes, with their children, to their occupations. The tied classes fell into two main groups. There were those whose labour or personal services were primarily required; these included soldiers, agricultural workers, urban craftsmen, miners, the workers in the state factories and the public post. There were others whose capital assets, that is in general their land, were earmarked for certain purposes: these included the *navicularii*, the bakers and butchers of Rome, and the decurions. In these cases the servitude was sometimes, as with the *navicularia functio*, legally attached to the land, and fell on whoever acquired it; sometimes, as with decurions, was legally hereditary. In practice the obligation normally went in all cases from father to son, since the land generally passed by inheritance.

The distinction between the two groups is not always absolutely clear cut. Decurions owed *munera personalia* as well as *munera patrimonialia*, and were only in rare cases allowed to perform the former by deputy. The property of *fabricenses* and *conchylioleguli* was tied, since it served the government as a guarantee fund, from which it could recover in cases of malfeasance or peculation. Lower civil servants were required for clerical work, but their property was also tied for the same reason as was that of *fabricenses*.

The origins of these tied classes and the reasons for their creation are usually obscure. In some cases the government was merely enforcing its legal rights. The weavers and dyers in the state factories, the workers in the mints, the postal personnel and some grades of lower civil servants, such as the *Caesariani*, were by origin and remained technically state slaves. The state naturally used its proprietary rights over them and their children to conserve its labour force. Soldiers, and civil servants and *fabricenses*, who ranked as *milites*, had of course always been obliged to complete their term of service until legally discharged and could be punished for desertion. In extending the obligation to their sons Diocletian was making universal and compulsory a very old and widespread custom of hereditary service.<sup>30</sup>

In other cases, such as the *navicularii* and the Roman bakers and butchers, privileges had in the past been given to capitalists who invested their wealth in certain occupations useful to the state, and the imperial government came to regard these privileges as imposing an obligation on their holders. It was in this spirit that Constantine justified the conscription of veterans' sons: 'because of the privileges granted to their fathers we do not allow the sons

of veterans to be idle'. In the same spirit Constans in 349 enacted: 'all the clergy ought to be free from curial burdens and all the trouble of civil functions, but their sons, if they are not held liable to the *curia*, ought to persevere in the church'. This attempt to make the clergy a hereditary caste was not however pursued.<sup>31</sup>

Decurions had, during the Principate, been in practice a largely hereditary class, since they comprised the richest landowners in each city, and their estates normally passed by inheritance to their sons. Membership of the *curia* was already by the early third century compulsory for any qualified person duly nominated unless he could claim a legal exemption. Diocletian and his successors did no more than tighten up the rules by restricting the exemptions, and thus gradually cutting off most legal avenues of escape.<sup>32</sup>

It is more difficult to see on what principles the government tied down urban craftsmen, miners and the agricultural population. It can only be said that in all civilisations miners have usually been a hereditary group, and peasant proprietors have clung to their holdings and passed them on to their sons. There is also evidence that under the Principate the tenants of large states went on holding their farms from generation to generation. In Egypt at any rate the Roman government, already in second century, held that it had the right to order peasants to return to their own place and cultivate the soil.<sup>33</sup>

It would seem that under the Principate society was largely static: on the whole men of all classes followed their father's way of life. There was some degree of social mobility but the government, except in very rare cases, felt no need to check it. From the reign of Diocletian onwards, on the other hand, the emperors were constantly endeavouring to hold certain classes, whose work or whose wealth was essential to the state, to their normal and hereditary functions. The inference is that on the one hand there was a manpower shortage, which encouraged mobility of labour, and on the other hand that the burden on the propertied groups increased and that they sought to evade it.

What little evidence there is suggests that these conditions existed. The wars and plagues of the third century must have reduced the population and at the same time there was the increased demand for men by the army. The resulting shortage of agricultural manpower evidently tempted tenants to move in hopes of better conditions elsewhere, and attracted miners and other industrial workers to the land. In the second place the great inflation must have eaten away the profit margin of such classes as the *navicularii* who were paid in money. The increasing burden of levies in kind, which the collapse of the currency and the growth of the army



entailed, must have made the life of the curial class which collected them much more onerous. At the same time the expansion of the administrative machine offered tempting avenues of escape to men of this class.

The government reacted, as most governments do in times of crisis, to the simplest expedient—the use of its powers of coercion to compel the existing workers and property owners to go on performing their essential functions. That the system was from the beginning made hereditary was inevitable. It was the simplest and most obvious course, and any alternative would have been administratively highly complicated. It conformed to the traditional social pattern; the emperors no doubt felt that they were merely preventing deviations from the natural rule. In some cases, that of the decurions, for instance, and of the peasantry, it was based on the ancient principle of *origo*, which was fundamental in Roman law. Once the system was established it tended to be perpetuated, and in some cases extended and in many made more rigid, from the mere force of inertia. The government came to regard it as in itself desirable, and to continue to enforce it when it was no longer necessary; it filled in gaps and stopped up loopholes for the sake of tidiness, and regarded the man who did not fit into the system, the *vagus*, as an undesirable anomaly. But in many spheres the stringency which had dictated the system remained, and any relaxation of it produced alarming results. The laws of Valentinian I and Theodosius I continuing to tie the *coloni* of Illyricum and Thrace after the abolition of the *capitatio*, and the strong reaction against Justinian's law freeing the sons of *coloni* married to free women, show that agricultural manpower was still very short in the late fourth and even in the sixth century.

The theoretical extent and the actual effectiveness of the restrictive legislation have often been exaggerated. The conscription of the sons of soldiers and veterans seems to have been dropped at the end of the fourth century. Constantine ruled that all sons of civil servants should go into their fathers' offices, but the rule was never applied except to the lowest grade, the *cobortales*. Urban craftsmen were not tied to their trades in the West until the end of the fourth century, and were never tied in the East. Diocletian tied all the rural population to the land, but the rule very soon ceased to be applied to peasant proprietors, and came to be limited to *adscripticii* or *originales*, the descendants of tenants originally registered on an estate; it was only at the end of the fifth century that free tenants became tied by thirty years' prescription. There were, moreover, some legal loopholes. *Adscripticii* could, until the early fifth century, legally join the army, and could generally be

ordained, at any rate with their masters' consent. Decurions were not debarred from certain professions—medicine, teaching and the law—and could generally take orders provided that they surrendered most of their property: they were also rarely excluded from the higher branches of the government service.

In practice the enforcement of the laws was very lax and unsystematic. Soldiers and *fabricenses* were branded, but there was no system of identity papers whereby those who left their lawful occupations could be traced, and very little attempt was made to verify systematically the antecedents of those who joined any service. The enforcement of the law was left to informers, whose object was usually to extort blackmail rather than to reclaim delinquents, or to interested parties: it was the duty of landlords to trace and reclaim their vagrant *coloni* and of cities to recall errant decurions to the *curia*. All that the government did was to issue laws and order occasional purges and roundups. At long intervals the swollen staff of a palatine ministry would be checked, and *curiales* and *cohortales* expelled (unless they had been for a long time in the service): from time to time there would be a call-up of sons of veterans, and they would be drafted into the army (unless they were already too old for active service).<sup>34</sup>

The laws themselves, by their constant reiteration of the same prohibitions and their frequent condonation of past offences, show how impossible it was without any police to enforce the rules. They also, by their constant denunciation of corrupt practices, show how easy it was to bribe the officials to turn a blind eye. We know too from casual references of a surprisingly large number of cases where the rules were broken with impunity.

In any stable society, however free, the rate of social mobility is low. The average man is content to remain in the station of life in which he was born, and very often to follow the same trade as his father. On the other hand even in the most rigid societies some able and ambitious men succeed in breaking through the legal or social barriers. There was a marked tendency in the later Roman empire for the free professions to become hereditary by the spontaneous desire of their members. We know of many clerical families which produced bishops generation after generation, and of military families which produced a succession of generals. We know of doctors who were sons of doctors and of professors who were sons of professors. Lawyers and higher civil servants sought and obtained from the government preference for their sons, who wished to go to the bar or to the ministry where their fathers had spent their lives. But while the forces which made for social stability were so strong, we know of far more men

who rose from humble origins to the highest positions in the state under the later empire than under the Principate. The laws may have been irksome to some ambitious men who were unlucky or lacked the drive to elude them, but they were evidently no serious obstacle to men of ability and determination.<sup>35</sup>

Other historians have attributed the decline of the empire to the gradual elimination of the 'bourgeoisie' or 'middle class', by which term they mean the curial order. It is not clear why the destruction of this class, if and in so far as it was destroyed, should have adversely affected the economic life of the empire. The *curiales* were not, and never had been, creators of wealth. They were rentiers, landlords who were often absentees and did not on the whole, so far as we know, take any active interest in their estates. They were, many of them, men of culture and education, and in so far as they gave their unpaid services to the government and contributed to its cost, fulfilled a useful social role: but they did not increase the wealth of the empire.

It is in fact very questionable whether this class was in any real sense eliminated. The curial order was certainly diminished very greatly in numbers and wealth over the centuries, but this was very largely because *curiales* became senators, *honorati*, civil servants, lawyers and clergy. Some families certainly were crushed by the financial strain, and had to sell their lands, usually to their richer neighbours, and there was thus some tendency for the great landlords to increase their estates at the expense of the lesser. But there always remained a substantial middle class, who mostly owned land. The only difference was that they bore different official titles, and that many of them were in the professions and supplemented their unearned income, with salaries and fees.<sup>36</sup>

The imperial government was very conscious of the abuses of the administrative machine. The Codes are full of laws which endeavour to combat the venality and extortion of provincial governors and officials and to curb the inordinate growth of the bureaucracy. This very fact perhaps makes us exaggerate the extent of the evil, but it cannot be doubted that there was a marked deterioration from the days of the Principate.

Even in its best days the imperial civil service was not impeccable; the few records that we possess reveal that some governors were dishonest and brutal, and inscriptions and papyri show that officials were often guilty of minor extortion from the provincials. Nevertheless respectable standards were in general main-

tained. The bulk of the routine work of the administration, including the collection of the taxes, was delegated to the cities, and this made it possible to keep the imperial service small and select. A conscientious emperor could pick his men and keep his eye on their conduct, and, since promotion usually depended on a good record, governors and procurators, if they wished for a successful career, had to avoid scandals. They were moreover very liberally paid, and thus had less temptation to make money by illicit means. A tradition was thus built up.<sup>37</sup>

This happy state of affairs was largely dependent on the fact that the imperial civil service was subjected to very little strain. The army was small and largely recruited by voluntary enlistment; the taxes were moderate and normally paid without effort; and the city councils did most of the work without complaint. Much heavier strains were imposed on the administration in the third century. The local gentry, who had regarded it as an honour, or at least a social obligation, to serve on the city councils, now tried to evade service, and the imperial government had to compel them to perform their administrative functions. The taxes, supplemented by frequent levies in kind, became more difficult to exact from a population diminished by plague and impoverished by constant wars. Under these strains the traditional code of the second century seems to have broken down. What was required in governors and procurators was ruthless efficiency rather than scrupulous probity. At the same time the inflation of the currency drastically reduced the real value of their salaries. They had increased opportunities for corruption and extortion, and strong temptation to exploit them.

Diocletian's great expansion of the army redoubled the pressure on the administration. Its numbers had to be increased if it was to levy the men and the supplies required. The rapid expansion of the service must have involved some dilution of quality, and, while under the tetrarchy four emperors could select their men and maintain some control over them, when the whole empire was ruled by two emperors or even one, it was no longer easy for the central government to exercise much discrimination in appointments or to keep a close check on the conduct of the men appointed. Salaries, moreover, remained very low as compared with those of the Principate. It is clear from Constantine's legislation that he was shocked by the corruption and extortion which prevailed among provincial governors, but he was evidently unable to restore respectable standards of probity.

It would appear that a governorship was, except by a few exceptionally scrupulous men, regarded as a financial prize. The best

evidence for this is the system of *suffragia*, which first comes to our notice under Constantine and, despite the efforts of successive reforming emperors, proved an ever-spreading and ineradicable evil. It was taken over by the crown under Zeno, who sold posts officially for the benefit of the treasury, and had by his time extended to the second grade of the administrative service, the *spectabiles iudices*. Justinian at a considerable financial sacrifice abolished imperial *suffragia*, but they soon crept back and were prevalent under Maurice.<sup>38</sup>

Not all the men who paid large sums for an appointment were primarily interested in the financial aspect of the deal. Many wished to raise their social status, and in particular to escape from the *curia*. But a large number must have wanted to make money, and even those who did not probably expected to recover their costs. *Suffragia*, moreover, set up a vicious spiral. As the price of office rose by competitive bidding, governors increased their illicit profits, and, as the average profit of a governorship went up, prices rose. By the sixth century an honest man could not serve except at a heavy financial loss.

Many forms of extortion no doubt became traditional perquisites which excited no comment, but there is ample evidence that the corruption of justice in the provincial courts did cause grave discontent, and that fiscal extortion and other forms of blackmail went beyond the bounds accepted by contemporary opinion. Justinian seriously believed that the capacity of the provincials to pay their taxes was gravely impaired by the illicit exactions of governors.<sup>39</sup>

The military administration suffered less from corruption. Commissions, particularly in the *limitanei*, were often obtained by *suffragium*, but were for the most part awarded by merit or seniority, and the purchase of posts never became systematic. *Duces* and tribunes supplemented their meagre pay by various forms of peculation. Some grossly exploited their position by intercepting the arms, remounts, uniforms, rations and donatives of their troops, but these were exceptions. Most made certain deductions, which eventually became customary, from the rations of their men, and kept their units under strength, appropriating the pay and allowances of men who were dead or who had been granted indefinite leave. These abuses of course reduced the effective strength of the army, but they came to be regularised and standardised. The eventual result was that officers' salaries, which were in the fourth century very low, came by the fifth century to be supplemented by certain recognised perquisites.<sup>40</sup>

In the civil service proper the officials increased their meagre

pay by tips or fees (*sportulae*). Litigants had to pay fees to the officials of the court at every stage of the judicial procedure, applicants for posts or grants or privileges had to tip the clerk who handled their petitions, taxpayers had to pay various forms of commission to the financial officials concerned in the collection of the revenue. Constantine endeavoured to abolish these *sportulae*, but under his successors they were condoned and regulated. In so far as they were controlled and standardised they were not a serious abuse: it was not unreasonable that litigants should pay what amounted to court fees and petitioners the equivalent of stamp tax, while the fiscal *sportulae* could be justified as a surcharge to cover the costs of collection. The trouble was that, when fees were standardised, additional tips soon came to be expected, and *sportulae* thus tended always to increase, and that the distinction between fees and bribes tended to be blurred: for more substantial payments officials were willing to put through illegal transactions.<sup>41</sup>

Diocletian greatly increased the number of *officia* by his multiplication of the provinces and creation of the dioceses. He must also have enlarged the praetorian prefectures to enable them to cope with the additional work which he imposed upon them, especially the elaborate annual calculation of the indiction. The provincial and diocesan staffs did not increase substantially thereafter, but the central ministries continued to grow. This was partly the result of growing centralisation. The emperors, justifiably mistrusting the honesty and efficiency of their administrative officers in the dioceses and provinces, allowed them less and less initiative and imposed upon them ever stricter control and audit; and the central ministries, which profited from this policy in greatly increased fees, constantly encroached on the functions of the diocesan and provincial staffs. The praetorian prefectures and the palatine offices had necessarily to be enlarged to cope with the increased volume of work which was concentrated upon them. But this was not the only cause for the inflation of the central ministries. The emperors lavishly rewarded *palatini* and *praefectiani* for their services by grants of privileges and honours, and the fees which could be earned in the central offices grew steadily more substantial. The result was a constant pressure, which proved irresistible, of applicants for places: by the middle of the fifth century posts in the most highly favoured ministries had come to command a price. The emperors tried hard to check the inflation of numbers by laying down maximum establishments, but supernumerary clerks always accumulated.<sup>42</sup>

Excessive centralisation involved an immense volume of clerical labour and slowed up the processes of government. Nor did it

achieve its object of checking corruption. The emperors and their ministers were so snowed under with papers that they signed them without reading them, and the clerks of the central ministries could thus put through for those prepared to pay for them illegal grants of lands, privileges, titles and immunities. The high courts of justice were so clogged with appeals, the delays so interminable and the fees so high, that the victims of injustice in the lower courts were denied redress unless they had very long purses. The fees of the central financial officials added substantially to the burden of taxation in the Western parts, as much, it would seem, as 25 per cent. in the last days of the empire.<sup>43</sup>

The number of officials became unnecessarily inflated, but was not vast in relation to the size of the empire. There were less than 12,000 *cohortales* in all the provincial *officia* and approximately half that number in the diocesan *officia*. The military offices were all very modest; *magistri militum* had 300 officials each, *duces* 40. There were probably under 5,000 military officials all told. The praetorian and urban prefectures may have employed about 5,000 clerks. Of the palatine ministries the largest recorded was the *agentes in rebus* with 1,248 members; the *largitiones* had 546 or 446 clerks, the *res privata* 300, the *sacra scrinia* 130, and there were only 33 silentiaries and 30 active notaries. The total for each emperor would thus have been about 2,500, that is 5,000 for both parts of the empire. These figures refer to established posts only and take no account of supernumeraries. The grand total of regular officials was thus not much in excess of 30,000, not an extravagant number for an empire which stretched from Hadrian's Wall to beyond the Euphrates. The direct expense imposed on the state was small, since supernumeraries were not paid and the pay of established officials was modest, not to say meagre.<sup>44</sup>

The great officers of state had considerable opportunities for making money on the side. Being in close contact with emperors they could successfully press for grants of land and money, and could exact *suffragia* from aspirants to lesser offices. Most no doubt exploited such opportunities, and many probably took bribes in other circumstances also. Sulpicius Severus accuses the *magister officiorum* Macedonius of accepting money from Priscillian, and Cyril gave large sums to the master of the offices and the quaestor of the day—but did not attempt to corrupt the praetorian prefect. Ministers are not in general mentioned in the sanctions of laws, which assume that their *officia* are guilty of breaches of the law. This is probably a polite fiction. In a law prohibiting *petitiones*, addressed to the praetorian prefect, Theodosius II threatens the quaestor and *comes rei privatae* with his condign wrath if they never-

theless promote them, and Leo in a law against monopolies again threatens the quaestor and all the palatine ministers if they support petitions for them. The high officers of state do not seem, however, on the whole to have been as systematically corrupt as the lower grades of the administration. Some, like Rufinus and John of Cappadocia, made enormous fortunes by very dubious practices, but they were exceptions whose excesses excited remark.<sup>45</sup>

The most depressing feature of the later empire is the apparent absence of public spirit. The motive forces seem to be, on the one hand, compulsion, and on the other, personal ambition in its crudest forms, the desire to rise in the social scale and to get rich quick. Under the Principate decurions had been inspired by pride in their cities and a laudable ambition to win the approbation of their fellow citizens. In the later empire the government had to compel them not to shirk their duties. In the second century there seems to have been a certain tradition of public service among senators and members of the equestrian order. Under the later empire the majority appear to have been interested only in the rank and wealth which offices bestowed upon their holders. The spirit of public service was not, it is true, entirely lacking. Many of the emperors were devoted public servants, who worked hard both to increase the efficiency of the administration and to protect their subjects from oppression. Many, too, of their chief ministers had the interests of the empire at heart. Some, like Anthemius, who virtually governed the Eastern parts in the early fifth century, received high praise from contemporaries for their wise and just rule. Others, who, like John the Cappadocian, were execrated for their rapacity and brutality, and certainly did not neglect their opportunities for self-enrichment, were nevertheless efficient public servants, who did much to improve the finances of the empire and to eliminate waste and speculation. Others, again, like Symmachus, though lacking energy and initiative, performed their functions with honesty and diligence. But even among the great ministers of the empire there were many who used their offices only to enrich themselves and distribute patronage to their relations and friends, and at the lower levels of the administration the general standard was, as the government often admitted, deplorably low. The only way to secure honest provincial governors, Marcian publicly declared, was to appoint men who did not wish to serve. This is a pessimistic, not to say cynical, doctrine. No one, it implies, ever applied for a post save for self-interested motives; the context implies the



desire to make money. The emperor does not envisage the possibility that anyone might wish to earn an honest livelihood by conscientious work, much less have the disinterested desire to serve the state to the best of his ability.<sup>46</sup>

Even more striking evidence of the lack of public spirit is the inertia of the civil population, high and low, in the face of the barbarian invasions.

The upper classes were proud of being Romans and valued Roman civilisation. They rejoiced in the victories of the empire over the barbarians and were shocked and dismayed by its defeats. They certainly had no desire to fall under barbarian rule. We know of two men only who can be called traitors. Arvandus, praetorian prefect of the Gauls from 464 to 468, and Seronatus, probably vicar of the Seven Provinces shortly after, no doubt despairing of the empire, collaborated with the Visigoths. Both were indicted by their fellow countrymen, Arvandus by the diocesan assembly of Gaul, Seronatus by the Civitas Arvernorum, and were brought to trial at Rome and condemned.<sup>47</sup>

The loyalty of the upper classes was, however, of a very passive character. A handful only raised resistance movements. The only large scale concerted movement was that of the British and Armorican cities in 408. In 397 Valentinus, a notable of Selge, raised a force of slaves and peasants which successfully withstood Tribigild's Goths. A few years later Synesius of Cyrene organised and armed a band of peasants against the Austuriani. In 532 Pudentius raised his province of Tripolitania against the Vandals and with the aid of a small body of imperial troops ejected them. In 546 Tullianus, a magnate of Lucania and Bruttium, organised a large force of rustics to assist the imperial armies against Totila.<sup>48</sup>

More usually those who could fled to safer places. According to Orosius, when the barbarians overran Spain in 409, the majority of the Romans—he is clearly thinking of the upper classes—acted on the text, 'when they persecute you in one city flee to another', often bribing barbarians to escort them and carry their baggage. Posidius gives us a vivid and contemporary picture of the flight from the Vandals when they invaded Mauretania and Numidia in 437. When the Vandals occupied Africa Proconsularis and Byzacena in 442, there was again a large emigration of upper-class Romans. Next year Valentinian III declared a moratorium on debts owed by African refugees, who appear to have been persons of substance, and licensed African lawyers to plead in the Italian courts. Even in Syria bishop Theodoret was embarrassed at the demands for hospitality made by once wealthy African refugees. Many land-owners and *honorati* fled to Numidia and the two Mauretanian

provinces, and in 451 were allotted 13,000 *centuriae* of deserted land in the former, and all imperial lands in the latter, together with the estates belonging to the bakers' guilds of Rome.<sup>49</sup>

The panic in Spain and Africa was somewhat exceptional, for these provinces had never seen a barbarian for generations. We hear of no similar exodus from Gaul or Illyricum, and even in Spain and Africa many of the upper classes stayed behind, whether they could not get away or did not wish to do so we do not know. Under the barbarian kings they grumbled but made the best of things: soon many were collaborating with the barbarian kings, acting as their ministers and governors. Orosius goes a little further. After the first orgy of pillage the barbarians, he says, treated the provincials kindly, 'so that there are now some Romans to be found among them who prefer poverty and freedom among the barbarians to the burden of tribute among the Romans'. Even this guarded statement is suspect, for Orosius is most anxious to prove that even the horrors of the invasion of Spain, then fresh in men's minds, were not so bad as the disasters of the pagan empire. An even more biassed and unreliable witness, Salvian, goes further. In Gaul, he asserts, governmental oppression of the provincials was so outrageous that 'many of them, persons of good family and liberal education, flee to the enemy, to avoid death inflicted by public persecution, seeking Roman humanity among the barbarians because they cannot endure barbarian inhumanity among the Romans'. Some victim of extortion may have fled in desperation, but there is no evidence to support Salvian's improbable assertion.<sup>50</sup>

Rather lower down the social scale townsmen occasionally took the initiative against the barbarians. In 376 the magistrates of Adrianople armed the townspeople and the workers in the local arms factory and made an attack on the Goths. In 443 the citizens of Asemus sallied out against a party of Huns and captured them and recovered their booty and prisoners. Inspired by their bishop, Sidonius Apollinaris, the Arverni defended their city against the Visigoths for five years from 471-5. In many cities no doubt the townspeople manned the walls, or assisted the garrison in the task, but in Mesopotamia and Syria quite a number did not risk resistance to Chosroes but bought immunity from captivity and pillage with large money payments.<sup>51</sup>

But once again, if townsmen were not very active in resisting the barbarians, we know of no city which threw open its gates to welcome them. When Justinian's armies arrived in Africa and Sicily and Italy, on the other hand, with the solitary exception of Naples, where there was a strong Gothic garrison and a party in

the town preferred to play for safety, the towns readily opened their gates to the imperial forces, greeted them with enthusiasm, and even asked to be occupied. We know of only one townsman who preferred life among the barbarians, the Greek merchant from Viminacium whom Priscus met at Attila's court, who justified his strange choice by a denunciation of Roman taxation and injustice.<sup>52</sup>

Salvian declares that the peasants were so oppressed under Roman rule and so well treated in the Visigothic kingdom, that 'the one wish of all the Romans there is that they may never be obliged to pass under Roman jurisdiction; the one unanimous prayer of the Roman common people there is that they may be allowed to live the life they lead with the barbarians'. The facts do not bear him out. On the very few occasions that they were given a lead by their landlords or other local magnates the peasantry fought against the barbarians. But under similar leadership they fought in civil wars which can have meant little or nothing to them: Didymus and Verinianus, two young Spanish senators, who were related to Honorius, raised an army of slaves from their estates to fight the usurper Constantine. Peasants would also, under similar stimulus, fight for the barbarians. When Tullianus raised his force of rustics to fight for the empire, Totila mobilised a peasant army to fight for the Ostrogoths, and the two bodies of Italian peasants slaughtered each other in a bloody battle. Later the senators under Totila's control, on his instructions, sent agents to order their tenants in Tullianus's force to go back to their farms, and they obediently and no doubt gladly did so. On our evidence the peasantry were in general apathetic and docile: of any spontaneous action on either side there is scarcely any trace. Synesius praises the courage and initiative of a village in Cyrenaica, which, led by a deacon, beat off the Austuriani. On the other hand many miners in Thrace, Ammianus tells us, joined the Goths in 376, because they could not endure the burden of the taxes; it is perhaps relevant that there had recently been a roundup of miners who had taken up farming. Slaves are twice recorded to have joined the invading hordes. Many rallied to the Goths before the battle of Adrianople and again when Alaric was at the gates of Rome. But these slaves were certainly in the first case and probably in the second recently enslaved barbarians, who naturally sought refuge with their fellow tribesmen.<sup>53</sup>

The passive inertia displayed by the civil population, high and low alike, was no new phenomenon: we hear of no resistance movements under the Principate. It was probably in large part due to the fact that for generations the population had been accus-

tomed to being protected by a professional army. The civil population was in fact, for reasons of internal security, forbidden to bear arms. More important than this legal prohibition was the attitude of mind which it reflected. Citizens were not expected to fight, and for the most part they never envisaged the idea of fighting.

The Roman empire seems never to have evoked any active patriotism from the vast majority of its citizens. Most of them no doubt were indifferent but even those who admired the empire felt no call to devote themselves to its service. Their attitude was well expressed by Aelius Aristides' great panegyric on Rome, and symbolised by the official cult of Rome and Augustus. Rome was to them a mighty and beneficent power which excited their admiration and gratitude, but the empire was too immense to evoke the kind of loyalty which they felt to their own cities. They revered the emperor as a saviour and benefactor, who with his legions defended their cities against the barbarians, and by his wisdom, humanity and justice promoted their peace and prosperity, but they did not regard him as a leader whom they must serve. Rome was eternal, and the emperor was a god, who needed no assistance from his worshippers.

Under the later empire the same attitude persisted. The regular army was expected to defend the empire, and it was only in a most desperate emergency, when Radagaisus and his hordes had broken into Italy, that the government appealed to the provincials to join up as temporary volunteers 'for love of peace and country'. It was still in theory illegal for civilians to own or bear arms. Only when Gaiseric was threatening to invade Italy was this rule relaxed and the provincials urged to arm themselves in order to resist Vandal landings. Justinian tightened up the ban on arms by making their manufacture a strict imperial monopoly; but he did provide the cities with armouries, controlled by the *patres civitatum*. Nor did the fundamental attitude of the provincials to the empire change. The emperor was no longer a god, but he was the vicegerent of God, entrusted by him with the task of governing and defending the empire. His subjects were taught to render unto Caesar the things that are Caesar's, that is, to pay their taxes and obey the authorities; but they were not exhorted to devote themselves to the empire's service.<sup>54</sup>

Christianity has been accused on the one hand of sapping the empire's morale by its otherworldly attitude, and on the other hand credited with giving the empire new spiritual energy and reforming it by its moral teaching. Neither allegation seems to have much substance. There is little to show that pagan worship promoted a

patriotic spirit; the gods were, it is true, regarded as the patrons and protectors of the Roman state, so long as they were not offended by the breach of certain moral rules and were duly placated with sacrifices, but they do not seem to have inspired patriotic devotion. Constantine and his successors and their Christian subjects carried over the same attitude to the one God whom they worshipped. God in their eyes was the mighty power who would give victory and prosperity to the empire, provided that he was properly appeased by his worshippers. His demands were, it is true, more exacting than those of the old gods, since he required not only ritual acts, but correct belief about his own nature, and the standard of morality which he expected from his devotees was markedly higher. But for the vast majority of ordinary men Christianity caused no fundamental change of attitude.

To the ordinary man likewise the moral teaching and the other-worldly doctrine of Christianity seems to have made little practical difference. In some respects moral standards declined, and most people continued to devote their energies to the goods of this world. The average Christian does not seem to have worried greatly about the fate of his soul until he feared that death was near, and then hoped to win access to heaven by the rituals of baptism or penance. In the meanwhile he pursued his worldly ends with no more, and sometimes less, regard for moral principles than his pagan forebears.

There was, of course, a minority who took the Christian message seriously to heart, and regarding the things of the world as of no account, devoted themselves to achieving eternal life in the world to come. Many thousands withdrew into the desert or into monasteries and spent the rest of their lives striving by austerities and prayer to gain salvation; many were drawn, often against their will, into the service of the Church as priests and bishops.

Quantitatively the loss to the state was probably not significant. Numerous as the clergy, monks and hermits were, their withdrawal cannot have seriously accentuated the manpower shortage from which the empire suffered, nor can the fact that the majority of them were celibate have contributed much to the shrinkage of the population. Qualitatively the loss was more serious. It was men of high moral character who were most drawn to the spiritual life, and were thus lost to the service of the state. [In the pagan empire such men had regarded the public service as one of the principal duties of the good man and citizen. Under the new dispensation they were taught that a public career was, if not sinful, so fraught with spiritual danger that it should be eschewed.] [The service of the state tended to be left to ambitious careerists, and

Christianity thus paradoxically increased the corruption of the government.<sup>55]</sup>

It may be asked whether the Eastern parts suffered less from any of the weaknesses discussed above than did the West. In some respects the East was at a disadvantage. Christianity prevailed earlier in the Eastern parts and obtained a more thorough hold. Monks and clergy were more numerous and more richly endowed, and thus a heavier burden on the economy. Theological controversy was more widespread and more embittered, and the repression of heresy demanded a greater use of force and provoked more hostility. In so far as the otherworldly attitude which Christianity inculcated weakened public morale, the East should have been more gravely affected. In most matters no significant distinction can be traced. The most serious losses in the area of cultivation are recorded in Africa, but *agri deserti* were a problem common to both halves of the empire. The rules tying *coloni* to the soil and *curiales* to their cities were even more rigid in the East than in the West. The East was, it is true, more politically stable and dissipated less of its strength in civil wars, but as against this it was obliged on a number of occasions to waste its resources on suppressing Western usurpers.

In two ways, however, the East seems to have been stronger and healthier than the West. In the first place the Eastern provinces were probably initially richer and more populous than the Western. It is very difficult to substantiate this statement, but it must be remembered that Macedonia and Greece, Asia Minor, Syria and Egypt had been settled and civilised lands for many centuries when they were incorporated in the empire, while many parts of the West, Britain, northern Gaul, north-western Spain, and the Danubian provinces, had been barbarous and undeveloped even after their annexation. The resources of the Eastern lands had long been fully exploited and their population had swelled. In the north-western provinces much of the potentially best land was probably woodland and waste, forest or swamp. It is significant that Aquitania is more highly praised for its agricultural wealth by Salvian than northern Gaul, and that supplies had to be carted all the way from Aquitania to Châlons and even to Paris to feed Constantius II's and Julian's armies. It is even more significant that Sicily, Sardinia and above all Africa were still under the later empire regarded as the granaries of the Western empire. For these countries, with their mountainous terrain and scanty

and irregular rainfall, can never have been highly productive, however intensively they were cultivated, and their yield would have been far exceeded by that of Britain, Gaul and the Danubian lands, had the resources of these regions been fully exploited. From the meagre figures available it would appear that the African diocese, the richest in the Western parts, produced only a third or a quarter of the revenue that Egypt, its richest diocese, yielded to the Eastern government.<sup>56</sup>

This picture is rather difficult to believe when one looks at the present state of affairs, when north-western Europe is intensively cultivated and densely populated, and north Africa (with the exception of Egypt, whose natural wealth has in all ages remained indestructible), Syria, Anatolia and the Balkans are derelict after long centuries of neglect and misgovernment. Progressive denudation has by now reduced their water supplies and washed away much of their good soil, but even now they could produce far more than they do, and the archaeological remains show that they were far more extensively cultivated in Roman times.

A rough index to the geographical distribution of wealth under the Roman empire is provided by the ruins of ancient monuments; for under the Principate all cities expended as much as they could afford on public buildings. The survival of ancient buildings is of course largely a matter of chance, and their chances are far better in areas which have subsequently become derelict than in those which have remained in continuous occupation and prospered. Whole cities survive in the deserts of Africa and Syria and in the more desolate parts of Asia Minor, but virtually nothing at continuously occupied sites like Antioch or Alexandria. Nevertheless the distribution of ruins is suggestive. In all northern western Europe—Britain, northern Gaul, north-western Spain and the Danubian lands—no monumental buildings survive except at the imperial capital of Trier, and the buildings which excavation has revealed are mostly on a modest scale. By contrast Narbonensis, eastern and southern Spain, Italy, north Africa, Syria and Palestine, Asia Minor and the southern Balkans can boast of many, and the largest and most magnificent are in the Eastern parts. In these areas, furthermore, where the Roman buildings have disappeared, Roman columns, capitals and other architectural members have been freely reused in the medieval mosques and churches. It is hard to find a Roman column in north-western Europe, and it is likely the medieval builders found few.<sup>57</sup>

The Eastern Empire was thus probably from the start richer than the Western, the greater part of which was still underdeveloped. The distribution of wealth was also probably more even in

the East. This again is difficult to substantiate, but the few facts and figures that we possess strongly suggest that the senators of Rome were far wealthier than those of Constantinople and owned far more extensive estates. There were probably more medium landowners in the East, and fairly certainly more peasant proprietors, notably in Egypt, eastern Asia Minor, Thrace and Illyricum. The explanation of this appears to be historical. The Roman aristocracy in the West had begun to accumulate wealth far earlier, and in some Western lands, such as Gaul, there had already existed a landowning aristocracy before the Roman conquest. In the East an imperial aristocracy only began to accumulate wealth in the fourth century, and in some provinces, notably Egypt, the system of land tenure had protected the peasant proprietor.<sup>58</sup>

The greater number of small freeholders, since taxes came to less than rent, meant that a higher proportion of the yield of agriculture remained in the hands of the cultivators in the East than in the West. By and large the peasantry were better fed and probably reared more children. It also meant that the state secured a higher proportion of the agricultural surplus, for peasant proprietors and small landowners paid full rate of tax, while the great senatorial landlords, apart from the legal exemptions which they enjoyed, could evade taxation.

The existence of an ancient wealthy aristocracy in the West also had important political effects. The Roman aristocracy from the reign of Constantine became ever more influential, and by the fifth century almost monopolised the higher administrative posts. These great noblemen were naturally tender to the interests of their own class, and were on the whole inefficient administrators. In the East, on the other hand, hereditary nobles did not dominate the administration, and the highest posts were often filled by men who had risen by ability, and being dependent on the emperor's favour, gave priority to the interests of the government. The result was that the fiscal privileges of the great owners were curbed, and also that there was less wastage in the administration: it is highly significant that the perquisites of the officials who collected the taxes were fifty or sixty times greater in the West than in the East.<sup>59</sup>

The East then probably possessed greater economic resources, and could thus support with less strain a larger number of idle mouths. A smaller part of its resources went, it would seem, to maintain its aristocracy, and more was thus available for the army and other essential services. It also was probably more populous, and since the economic pressure on the peasantry was perhaps less severe, may have suffered less from population decline. If there is



any substance in these arguments, the Eastern government should have been able to raise a larger revenue without overstraining its resources, and to levy more troops without depleting its labour force.

It is impossible to check this hypothesis for the crucial period, the fourth century, in which both halves of the empire were territorially intact. In the fifth and sixth centuries the Eastern government commanded a larger and more buoyant revenue than the Western. It could spend very large sums on lavish blackmail to the barbarians and on ambitious military operations without running into serious financial difficulties. Leo's expedition against the Vandals, followed by Zeno's reckless expenditure, did indeed temporarily exhaust the treasury, but Anastasius was quickly able to restore the empire's finances, and it was not until the reign of Maurice that the strain of the protracted Persian and Avar wars caused a serious financial crisis. It was also able to raise large armies from its own subjects and did not make excessive use of barbarian troops.

The Western government on the other hand was almost bankrupt by the end of Valentinian III's reign and had virtually abandoned conscription, relying almost entirely on barbarian federates. The collapse of the West was however by no means entirely attributable to its internal weaknesses, for the government had by now lost to the barbarians many of the provinces on which it had relied for revenue and recruits, and those which it still controlled had suffered so severely from the ravages of the barbarians that they had to be allowed remission of taxation.

Of the manifold weaknesses of the later Roman empire some, the increasing maldistribution of wealth, the corruption and extortion of the administration, the lack of public spirit and the general apathy of the population, were to a large extent due to internal causes. But some of the more serious of these weaknesses were the result, direct or indirect, of barbarian pressure. Above all the need to maintain a vastly increased army had far-reaching effects. It necessitated a rate of taxation so heavy as to cause a progressive decline in agriculture and indirectly a shrinkage of population. The effort to collect this heavy taxation required a great expansion of the civil service, and this expansion in turn imposed an additional burden on the economy and made administrative corruption and extortion more difficult to control. The oppressive weight of the taxation contributed to the general apathy.

The Western empire was poorer and less populous, and its social and economic structure more unhealthy. It was thus less able to withstand the tremendous strains imposed by its defensive effort,

and the internal weaknesses which it developed undoubtedly contributed to its final collapse in the fifth century. But the major cause of its fall was that it was more exposed to barbarian onslaughts which in persistence and sheer weight of numbers far exceeded anything which the empire had previously had to face. The Eastern empire, owing to its greater wealth and population and sounder economy, was better able to carry the burden of defence, but its resources were overstrained and it developed the same weaknesses as the West, if perhaps in a less acute form. Despite these weaknesses it managed in the sixth century not only to hold its own against the Persians in the East but to reconquer parts of the West, and even when, in the seventh century, it was overrun by the onslaughts of the Persians and the Arabs and the Slavs, it succeeded despite heavy territorial losses in rallying and holding its own. The internal weaknesses of the empire cannot have been a major factor in its decline.

